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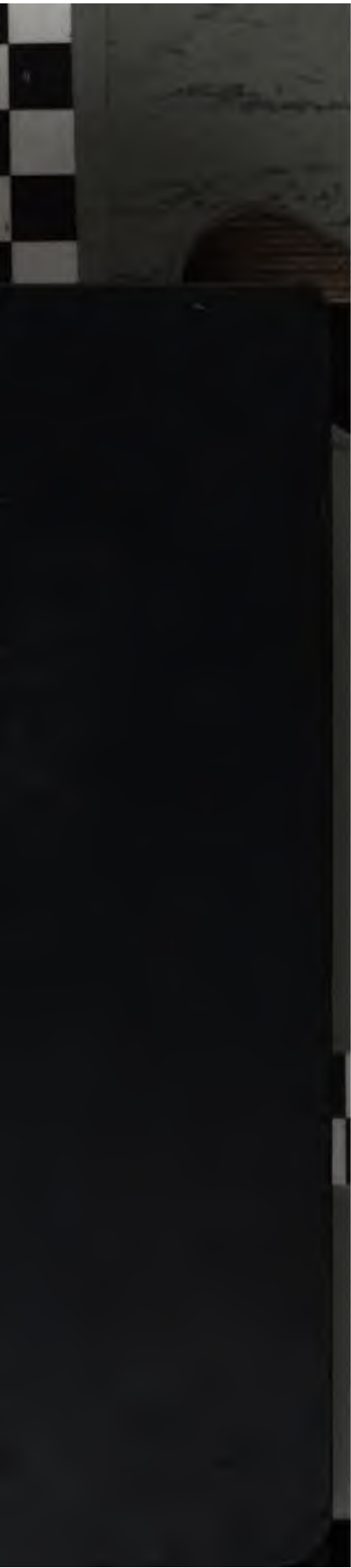
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HISTORY OF ENGLAND

1603-1642

VOL. I.



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AND PARLIAMENT STREET



HISTORY OF ENGLAND

FROM THE

ACCESSION OF JAMES I.

TO

THE OUTBREAK OF THE CIVIL WAR

1603-1642

BY

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IN TEN VOLUMES

VOL. I.

1603-1607

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C

all

of Affairs in Ireland, and his *History of the Irish Confederation*, as, though only a few of them refer to the period with which the present work is occupied, I hope to be able to make full use of them when I come to deal with the Civil War.

Of MS. sources of information, which I had not at command in writing my first edition, I would specify the letters preserved at Hatfield, access to which I owe to the kindness of the Marquis of Salisbury, and the series of Roman transcripts which are now accumulating in the Public Record Office. Every month, and sometimes every week, brings a new addition to this valuable collection, and I may probably be able in an Appendix to the last volume to clear up some points left unsettled.

I have also received permission from Earl Cowper to examine the correspondence of Sir John Coke preserved at Melbourne Hall, and from Mr. F. W. Cosens to see a collection of transcripts of Gondomar's despatches in his possession. I hope that from these sources I may obtain new information, but I cannot as yet say whether this will be the case.

In the first edition the work opened with a somewhat lengthy sketch of English history down to the death of Elizabeth. The greater part of this is now omitted, partly because it seems out of place, and partly because I have recently given it to the world in a more mature form, in an *Introduction to the Study of English History* written by me in conjunction with Mr. J. Bass Mullinger.

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the nation itself. It was not here, as it was in France, that the choice lay only between a despotic king and a turbulent and oppressive baronage—between one tyrant and a thousand. A king ruling in accordance with law, and submitting his judgment to the expressed will of the national council, so that the things which concerned all might be approved of by all, was the ideal of government which was accepted by Edward I.

The materials of a Parliamentary constitution were no doubt ready to Edward's hand. The great councils of the

The Parliaments of Edward I. Norman kings were no more than the Witenagemots of earlier times in a feudal shape, as by subsequent modifications they ultimately took the form of the modern House of Lords. During the reigns of the Conqueror and his sons, they were occasionally held. Under Henry II. they met more frequently, to take part in the great questions of the time, and to give their sanction to the reforms proposed by the king. When John and his son were upon the throne, the great barons saw the necessity of uniting themselves in their opposition to the Government with the lesser knights and freeholders, and accordingly, at that time, representatives of this class began to be present at their meetings. Towards the end of the contest Simon of Montfort summoned burgesses from a few towns which were likely to support his party. The advantages to be derived from these changes did not escape the sagacious mind of Edward. Without a single afterthought, or reservation of any kind, he at once accepted the limitation of his own powers. To the Parliament thus formed he submitted his legislative enactments. He requested their advice on the most important administrative measures, and even yielded to them, though not without some reluctance, the last remnant of his powers of arbitrary taxation.

He had his reward. Great as were his achievements in peace and war, the Parliament of England was the noblest monument ever reared by mortal man. Perhaps the day may come when that Parliament will think that the statue of Edward ought to occupy the place in Palace Yard which has been so unworthily taken possession of by the one among our long line of sovereigns who has the least

English Parliamentary government.

be exercised in the interests, not of the Sovereign, but of the nation. Hence the popularity of every king of England who made it his object to fulfil the duties of his office. A Sovereign who neglected those duties, or one who made use of his high position as a means to pamper his own appetites, or those of his favourites, was alike ruinous to the fortunes of the rising nation. England needed a strong hand to hold the reins, and it knew well what its need was. At all costs a government must be obtained, or anarchy would break out in its wildest forms. What the people felt with regard to the royal office was admirably expressed by a writer who lived in the latter part of the reign of Edward III. After telling the well-known fable of the attempt made by the rats to bell the cat,¹ he proceeds to add a sequel of his own. In his story the cat, of course, represents the king, the rats stand for the nobles, and the mice for the common people. He informs us that after the council of the rats had broken up, a little mouse stepped forward to address the assembly, which then consisted of a large number of mice. He warned them that they had better take no part in any attempt against the life, or even against the power, of the cat. He had often been told by his father of the great misery which prevailed when the cat was a kitten. Then the rats gave the mice no rest. If the cat injured a mouse or two now and then, at all events he kept down the number of the rats.

It was difficult in a hereditary monarchy to find a worthy successor to Edward I. Edward II. was deservedly deposed.

The later Plantagenet kings. His son, Edward III., kept England in peace at home by engaging it in a war of foreign conquest.

Richard II. succumbed to the difficulties of his situation, augmented by his own incapacity for the task of government.

• The Revolution of 1399 placed the family of Lancaster on the throne. Ruling as it did by a Parliamentary title, it was unable to control the power of the great barons. Parliament was strong, but in Parliament the weight of the House of Lords was superior to that of the

1399-1485.
The Lancastrian kings.

¹ *Piers Ploughman*, l. 361-413.

ment on the heads of the great, when it was difficult to find a jury which would not be hindered by fear or affection from bringing in a verdict against them, even if it could be supported by the strongest evidence.

Such a work could not be done by a weak king. The middle class—the country gentry and the tradesmen—were strong enough to give support to the sovereign, but they had not as yet that organisation which would have made them strong independently of him. In consequence, the king who gave them security was revered with no common reverence. Because very few wished to resist him, those who lifted hand against him fell under the general reprobation. Henry VII., and still more Henry VIII., were therefore able to do many things which no king had ever done before. They could wreak their vengeance on those who were obnoxious to them, sometimes under the cover of the law, sometimes without any pretext of law. Their rule was as near an approach to despotism as has ever been known in England. But heavily as the yoke pressed on individuals it pressed lightly on the nation. One word which has come down to us from those times is sufficient to point out the nature of the power which men understood to be entrusted to the Tudor kings. Even when their acts were most violent, the name by which what we should call ‘the nation’ was spoken of was ‘the commonwealth.’ Every class, even the king himself, had a position of its own ; but each was expected to contribute to the well-being of the whole. Above all, the king had no standing army, still less a body of foreign mercenaries to depend on. His force rested entirely upon public opinion, and that opinion, inert as it was on questions affecting individual rights, was prompt to take alarm when general interests were at stake.

The specially constitutional work of Henry VIII. was the admission of the House of Commons to a preponderating influence in Parliament. No doubt he filled the House with his own creatures, and he suggested, and even put into shape, the measures adopted by it. For all that, the general tone of the House was the tone of the nation

Strength of
the Tudor
Monarchy.

1509-1547.
Henry VIII.

Increasing
power of the
House of
Commons.

nation by which she had been deposed, and demanding either an English army to replace her on the throne, or permission to seek similar assistance from the King of France. Elizabeth hesitated long. She could not, even if she had wished it, grant her the assistance of an English force ; and to look on while she was being restored by a French army was equally impossible in the condition in which European politics were at the time. With Mary's claims to the English crown, a French conquest of Scotland would only have been the precursor of a French attempt to conquer England.

After long deliberation, Elizabeth chose the alternative which for the time seemed to be most prudent. She must have come at last to doubt the wisdom of her decision. While Mary was lying within the walls of an English prison, her name became a tower of strength to the Papal party throughout Europe. The tale of her life, told as it was in every Catholic society, was listened to as if it had been one of the legends of the Saints. Every tear she dropped put a sword into the hands of the Pope and the Spaniard. There was not a romantic youth in Catholic Europe who did not cherish the hope of becoming the chosen instrument by whose hands deliverance might reach the victim of heretical tyranny. Jesuits and missionary priests swarmed over from the Continent, and whispered hopes of victory in the ears of their disciples. Incessant attempts were made to assassinate Elizabeth. At last the end drew near ; the only end which could well have come of it. Louder and louder the voice of England rose, demanding that the witch who had seduced so many hearts should not be suffered to live. After a long struggle, Elizabeth gave way. The deed was done which none of those had contemplated who, nineteen years before, had joined in recommending the detention of the Scottish Queen, although it was only the logical consequence of that fatal error.

If the Government and people of England dealt thus with Mary herself, they were not likely to treat with mildness the supporters of her claims. Act after Act was passed, each harsher than the last, against priests who should attempt to reconcile any subject of the Queen to the

Her imprisonment and execution.

Ill-treatment of the Catholics.

the overthrow of priestly domination, were by no means inclined to part with the decent forms and reverent ceremonies which remained. If Elizabeth had carried out the Reformation in the spirit of Cartwright and Humphreys, many years would hardly have passed before the House of Commons would have been found supporting the principles which had been maintained by Gardiner and Bonner in her father's reign. What the tendency of those principles was, England had learned only too well by a bitter experience.

It speaks volumes in favour of the conciliatory effects of English institutions that Elizabeth was able to find amongst the Calvinist clergy men who would assist her as bishops in carrying out the settlement upon which she had determined. They would themselves have preferred to see alterations made to which she was unwilling to assent, but they were ready to give up points which they judged to be comparatively unimportant, rather than to put the fortunes of Protestantism itself in jeopardy. If, so late as in 1571, Archbishop Parker had to write that 'the most part of the subjects of the Queen's Highness disliketh the common bread for the sacrament,'¹ we may be sure that any general attempt to adopt the simple forms of the Genevan ritual would have met with similar disfavour. Even if Elizabeth had been inclined to try the experiment, she could not have afforded to run the risk. There was, probably, not more than a very little pardonable exaggeration in the words which, in 1559, were addressed by Granvelle to the English Ambassador. "It is strange," he said, "that you believe the world knoweth not your weakness. I demand, what store of captains or men of war have you? What treasure, what furniture for defence? What hold in England able to endure the breath of a cannon for one day? Your men, I confess, are valiant, but without discipline. But, admit you had discipline, what should it avail in division? The people a little removed from London are not of the Queen's religion. The nobles repine at it, and we are not ignorant that of late some of them conspired against her."²

¹ *Parker Correspondence*, p. 373.

² Wright's *Queen Elizabeth*, i. 24-

reignty of princes,' although it would be 'in first show very popular.'¹

As a religious belief for individual men, Calvinism was eminently favourable to the progress of liberty. But the Calvinistic clergy, in their creditable zeal for the amelioration of the moral condition of mankind, shared to the full with the national statesmen their ignorance of the limits beyond which force cannot be profitably employed for the correction of evil. Their very sincerity made it more injurious to the true cause of virtue to intrust them with the power of putting into force measures for the repression of vice than it was to leave similar powers in the hands of the statesmen of the day. The thousand feelings by which restraints were laid upon men of the latter class, their prejudices, their weaknesses, and occasionally even their profligacy itself, combined with their practical sagacity in diminishing the extent to which they were willing to punish actions which should never have been punished at all. With the Calvinistic clergy these feelings were totally inoperative. Penetrated with the hatred of vice, and filled with the love of all that was pure and holy, they saw no better way of combating evils which they justly dreaded than by directing against them the whole force of society, in the vain hope of exterminating them by a succession of well-directed blows. Of the distinction between immorality and crime they knew nothing. If they had been true to their own principles they would have remembered that, whenever in cases of immorality they failed to purify by admonition and exhortation the corruption of the heart, they had nothing more to do. If it was contrary to spiritual religion to attract the mind by outward forms, it was far more contrary to it to force the mind by external penalties. By an intelligible inconsistency, they allowed this argument to drop out of sight. They did not, indeed, themselves claim to inflict these punishments; in theory they had drawn the line too distinctly between the spheres of the ecclesiastical and the secular jurisdiction to admit of that. They contented themselves with pronouncing

Reasons
which justify his
opinion.

¹ Writing in Walsingham's name, Bacon's *Letters and Life*, i. 100.

by Whitgift would have inspired the men who held it with conciliatory sentiments. This, unfortunately, was not the case. Whitgift and those who thought with him seemed to regard their opponents as enemies to be crushed, rather than as friends whose misdirected energies were to be turned into some beneficial channel. Even the good and gentle Grindal had no other remedy for Presbyterianism than to send half a dozen of its most attached disciples to the common gaol at Cambridge, and another half-dozen to the same destination at Oxford.

But if Grindal forgot himself for a moment, he was soon able to vindicate his claim to respect as the occupant of the highest seat in the English Church. In one of the gravest crises through which that Church ever passed he stood forth as her champion, under circumstances of peculiar difficulty and danger. It was plain that the energies of the Government could not long continue to be occupied with merely repressive means, without serious detriment to the Church, the interest of which those measures were intended to protect. It was all very well to enact rules for the regulation of questions in dispute; but unless the conforming clergy could put forth some of the energy and ability which were to be found on the opposite side, the Bishops and their regulations would, sooner or later, disappear together. The Bishops themselves were not in fault. They had long grieved over the condition of the clergy. In most parishes, the very men who had sung mass in the days of Mary now remained to read the service from the Book of Common Prayer. The livings were generally so small that they offered no inducement to anyone to accept them who was above a very humble station in life. It was well if the incumbents could blunder through the prescribed forms, and could occasionally read a homily.

Grindal,
Archbishop
of Canter-
bury.

Low con-
dition of
the clergy.

The consequence of this state of things was, that whilst churches where sermons were preached were crowded, those where they were not were deserted.¹ The only hope of a better state of things lay in the prospect of obtaining the services of

¹ Hooker, *Ecd. Pol.*, v. xii. 16.

Church which was rapidly stiffening into a mere piece of state machinery.

The Archbishop drew up rules by which the abuses which had occurred might be obviated for the future. The meetings were to be held only under the direction of the Bishop of the diocese, by whom the moderator was to be appointed. The Bishop was to select the subject for discussion, and without his permission no one was to be allowed to speak. This permission was never, on any account, to be accorded to any layman, or to any deprived or suspended minister. Any person attacking the institutions of the Church was to be reported to the Bishop, and forbidden to take part in the exercises on any future occasion.

Under such regulations these meetings deserved to prosper. They were undoubtedly, as Bacon long afterwards said, when he urged their resumption, 'the best way to frame and train up preachers to handle the Word of God as it ought to be handled.'¹

Unfortunately for herself and for England, the Queen looked upon these proceedings from a totally opposite point of view. She had sagacity enough to leave unnoticed opinions which differed from her own, provided they would be content to remain in obscurity, and were not paraded before the eye of the public; but for the clash of free speech and free action she entertained feelings of the deepest antipathy. Even preaching itself she regarded with dislike. Very carefully chosen persons from amongst the clergy, on rare occasions, might be allowed to indulge a select audience with the luxury of a sermon; but, in ordinary circumstances, it would be quite enough if one of the Homilies, published by authority, were read in the hearing of the congregation. There would be no fear of an heretical notions entering into the minds of men who, from one year's end to another, never listened to anything but those faultless

¹ *Certain Considerations for the better Establishment of the Church of England.*

belief in England other than the Calvinism which was accepted by the ablest and most active amongst the clergy. The Queen's regulations were, after all, a mere lifeless body, into which the spirit of religious faith had yet to be breathed. The struggle against Rome, too, was daily assuming the proportions of a national conflict. Men, who in ordinary times would have taken little interest in the dislike of some of the clergy to use certain forms, were ready to show them favour when they were declaiming against the adoption of the rags of an anti-national Church. Nor was the growing feeling of dissatisfaction with the restraint put upon personal liberty by the Government, adverse to the claims of the ministers as long as they were on the persecuted side; although the same feeling would have undoubtedly manifested itself on the side of the Crown, if Cartwright had ever succeeded in putting the Presbyterian system in operation.

Bills were accordingly brought in for amending the Prayer Book, and for retrenching in some degree the administrative powers of the Archbishop of Canterbury. But the most remarkable monument of the temper of the House was an Act,¹ which was often appealed to in later times, in which confirmation was given to the Thirty-nine Articles. It was enacted that all ministers should be compelled to subscribe to those articles only which concerned the Christian faith and the doctrine of the Sacraments. By the insertion of the word 'only,' the House of Commons meant it to be understood that no signature was to be required to the Articles which related to points of discipline and Church government.

Thus a breach was opened between the two greatest powers known to the constitution, never to be again closed till the monarchy had itself disappeared for a time in the waters of the conflict. The English Reformation was, as has been said, the work of the laity of England, headed by the Sovereign. The House of Commons now threatened to go one way, while the Queen was determined to go another. No doubt, the pro-

Breach
between the
Crown and
the Com-
mons on the
ecclesiastical
question.

¹ 13 Eliz. cap. 12.

ought further, as they said, to seize all the property of the Church, from the wide domain of the Bishop down to the glebe land of the incumbent of a country parish.

Terrified by these opinions, the Presbyterian Cartwright wrote in denunciation of their wickedness. Parliament allowed itself, in 1593, for the first time since the accession of Elizabeth, to pass a statute against Protestants of any kind.

Reaction in
favour of
the Church
system.

The latter years of Elizabeth were quieter than the storms which followed upon the appointment of the High Commission had indicated. Perhaps the sweep which had been made from amongst the clergy had left a smaller number of persons upon whom the Court could exercise its authority ; perhaps, also, the dissatisfied, certain that there was no hope of any change of system as long as Elizabeth lived, reserved themselves for the reign of her successor. Such causes, however, whatever their effect may have been, were not in themselves of sufficient importance to account for the undoubted reaction against Puritanism which marked the end of the sixteenth century.

As, one by one, the men who had sustained the Queen at her accession dropped into the grave, a generation arose which, excepting in books of controversy, knew nothing of any religion which differed from that of the Church of England. The ceremonies and vestments which, in the time of their fathers, had been exposed to such bitter attacks, were to them hallowed as having been entwined with their earliest associations. It required a strong effort of the imagination to connect them with the forms of a departed system which they had never witnessed with their eyes ; but they remembered that those ceremonies had been used, and those vestments had been worn, by the clergy who had led their prayers during those anxious days when the Armada, yet unconquered, was hovering round the coast, and who had, in their name, and in the name of all true Englishmen, offered the thanksgiving which ascended to heaven after the great victory had been won. By many of them these forms were received with pleasure for their own sake. In every age there will be

Causes of
this reaction.

precision, were not likely in future to find favour at the same time with any one class of reasoners. When he argues from Scripture, and from the practice of the early Church, the as yet undeveloped features of Bancroft and Laud are plainly to be discerned. When he proclaims the supremacy of law, and weighs the pretensions of the Puritans in the scales of reason, he shows a mind the thoughts of which are cast in the same mould with those of that great school of thinkers of whom Bacon is the acknowledged head. Hooker's greatness indeed, like the greatness of all those by whom England was ennobled in the Elizabethan age, consisted rather in the entireness of his nature than in the thoroughness with which his particular investigations were carried out. He sees instinctively the unity of truth, and cannot fail to represent it as a living whole. It is this which has made him, far more than others who were his superiors in consistency of thought, to be regarded as the representative man of the Church of England.

It soon appeared that the desire to hold a middle course between the rival ecclesiastical parties was not confined to a few advanced thinkers. There was a large and increasing number of the laity who regarded the problem in Hooker's spirit, though they were dissatisfied with his solution of it. Even men who themselves admired the forms of worship prescribed by the Church, and who felt all Hooker's dislike of Presbyterianism, nevertheless, without any very deep reasoning, came to a precisely opposite conclusion. They were not yet the partisans that their children came to be, and they were more anxious to preserve the unity of the English Church than the forms which were rapidly making that unity impossible. If these ceremonies were only imposed by the law of the land for the sake of uniformity, without its being pretended that they were otherwise than of merely human origin, ought not that law to be relaxed? Everywhere there was a cry for preachers. Whilst bishops and ministers were wrangling about points of mere detail, thousands of their fellow-countrymen were living like heathens. It was to be regretted that so many of those who were capable of preaching should be so scrupulous about

Growing
feeling in
favour of
toleration.

It is the child mocking at his father's follies, whilst he closes his eyes to his nobleness and his chivalry.

Shortly before the appearance of 'Don Quixote' another book saw the light amongst a very different people. To

The 'Faëry Queen' the mirror of the Elizabethan age. Spenser, nursed as he had been amongst the glories of the reign of Elizabeth, all that was noble in the old tales of chivalry had become a living reality.

The ideal representations of the knights and damsels who pass before our view in his immortal poem, bring into our memory, without an effort, the champions who defended the throne of the virgin Queen. In England no great chasm divided the present from the past. Englishmen were not prepared to find matter for jesting in the tales which had delighted their fathers, and they looked upon their history as an inheritance into which they themselves had entered.

Great achievements do not make easy the task of the men who succeed to those by whom they have been accomplished.

Difficulties bequeathed by Elizabeth to her successor. The work of the Tudors had been to complete the edifice of national independence by nationalising the Church. In the course of the arduous struggle they had claimed and had obtained powers greater than those possessed by any former English kings. The very success which they had attained rendered those powers unnecessary. The institutions established by them had outlived their purpose. The strong vindication of the rights of the State which had been necessary when religious differences threatened civil war, had ceased to be necessary when peace was assured. The prerogative of the Crown would need to be curtailed when it was applied to less important objects than the maintenance of national unity. Yet such changes, desirable in themselves, were not easy to accomplish. The mental habit by which institutions are supported does not readily pass away. As Elizabeth grew old, it was generally felt that great changes were impending.

She herself knew that it must be so. The very success of her career must have made it appear to have been almost a failure. Men were everywhere asking for greater relaxation than she had been willing to give to them.

Whatever was to come of it, the next age must take care of itself. Of one thing she felt sure, that no puppet of Spain or of the Jesuits would ever wear the crown of England.

Elizabeth's death.

"My seat hath been the seat of kings, and I will have no rascal to succeed me," she said, as she lay dying. When she was pressed to explain her meaning, she declared that her wish was that a king should follow her. "And who should that be," she added, "but our cousin of Scotland?" Her last act was to hold her hands over her head in the form of a crown, with the intention, as it was thought, of conveying to the bystanders the impression that she would be followed by one who was already a King.¹ So, early on the morning of March 24, 1603, the great Queen passed away from amongst a people whom she had loved so well, and over whom, according to the measure of human wisdom, she had ruled so wisely.

Her forebodings were realised. Evil times were at hand. They followed her death, as they had followed the death of her father.

When such sovereigns as the two great Tudors die, it seems as if the saying which the poet has put into the mouth of the crafty Antony were the rule which prevails in the world—

The evil that men do lives after them ;
The good is oft interred with their bones.

Errors and follies soon produce their accustomed fruits. But when the error has been but the accompaniment of great and noble deeds, the fruit of those deeds is not long in making its way into the world. Henry VIII. must be judged by the great men who supported his daughter's throne, and who defended the land which he set free when 'he broke the bonds of Rome.' Elizabeth must be judged by the Pym and Cromwells, who, little as she would have approved of their actions, yet owed their strength to the vigour with which she headed the resistance of England against Spanish aggression. She had cleared the way for liberty, though she understood it not.

¹ The fullest and apparently the most authentic account is that published in *Disraeli's Curiosities of Literature* (1849), iii. 364.

CHAPTER II.

CHURCH AND STATE IN SCOTLAND.

WHEN Elizabeth died, one great question was already pressing for solution—the question of the relationship between the national Church and the dissidents on either hand —which was destined to agitate the minds of men as long as Stuart kings reigned in England. It was a question to which the successor of Elizabeth was not altogether a stranger, though his mode of dealing with it in Scotland gave little reason to hope that he would deal successfully with it in England.

In many respects the aspect of Scotland in the sixteenth century was the reverse of that of England. The most remarkable feature of Elizabethan England was the harmony which resulted from the interdependence upon one another of the various elements of which the national life was composed. To the north of the Tweed, the same elements for the most part reappeared; but they were seen standing out sharp and clear, in well-defined contrast to one another. The clergy were more distinctly clerical, the boroughs more isolated and self-contained, and, above all, the nobles retained the old turbulence of feudalism which had long ceased to be tolerated in any other country in Europe.

When the Reformation first passed over Scotland, there was a momentary prospect of a change which might to some extent obliterate the existing distinctions, and give rise to a real national union. Noble and burgher, rich and poor, joined

with the preachers in effecting the overthrow of the medieval Church; and it was by no means the intention of Knox and his fellow-labourers to erect a new hierarchy upon the ruins of the old. According to their theory, there was to be no longer any distinction between the laity and the clergy, excepting so far as the latter were set apart for the performance of peculiar duties. Of the forty-two persons who took their seats in the first General Assembly of the Church of Scotland only six were ministers. Barons and earls were admitted to its consultations without any election at all. So far as the first Reformers had any distinct idea of the nature of the Assembly which they had called into being, they intended it to be a body in which the nation should be represented by those who were its natural leaders, as well as by those who had a closer connection with ecclesiastical affairs.

Such a scheme as this, however, was doomed to failure from the first. Here and there might be found individuals amongst the high nobility who gave themselves heart and soul to the Church of the Reformation, but, for the most part, the earls and lords were satisfied as soon as they had gorged themselves with the plunder of the abbey lands. They had no idea of meeting on terms of equality with the humble ministers, and they cared little or nothing for the progress of the Gospel. Nor was it indifference alone which kept these powerful men aloof: they had an instinctive feeling that the system to which they owed their high position was doomed, and that it was from the influence which the preachers were acquiring that immediate danger was to be apprehended to their own position. A great Scottish nobleman, in fact, was a very different personage from the man who was called by a similar title in England. He exercised little less than sovereign authority over his own district. Possessed of the power of life and death within its limits, his vassals looked up to him as the only man to whom they were accountable for their actions. They were ready to follow him into the field at his bidding, and they were seldom long allowed to remain at rest. There was always some quarrel to be engaged in, some neighbouring lord to be attacked, or some hereditary insult to be avenged.

Knox's
views of
Church
government.

Desertion of
the Church
by the high
nobility.

With the physical force which was at the disposal of the aristocracy, the ministers were for the time unable to cope.

Strength of the ministers. But they had on their side that energy of life which is certain, sooner or later, to translate itself into power. It was not merely that, with scarcely an exception, all the intellect of Scotland was to be found in their ranks; their true strength lay in the undeviating firmness with which they bore witness for the law of God as the basis of all human action, and the vigorous and self-denying activity with which they called upon all who would listen to them to shake off the bonds of impurity and vice. How was it possible that there should long be agreement between the men whose whole lives were stained with bloodshed and oppression, and the men who were struggling, through good repute and evil repute, to reduce to order the chaos in which they lived, and to make their native country a land of godliness and peace?

The Tulchan Bishops. The compromise to which the nobility came with the ministers at Leith, in 1572, was for the aristocracy one of those apparent victories which give a certain presage of future defeat. Sorely against their will, the clergy were driven to consent to the institution of a Protestant Episcopate. The burghs and the lesser gentry were no match for the vassals of the great lords, and they were compelled to give way. But it was not a concession which did any credit to those to whom it had been made. They had not one single thought to spare for the country, or for the Church of whose interests they were thus summarily disposing. All they cared about was the wealth which might be gained by the scheme which they had adopted. The Bishops were to be duly consecrated, not in order that they might take part in that government of the clergy which is assigned to them in Episcopalian churches, but in order that they might have some legal title to hand over the greater part of their revenues to the nobles to whom they owed their sees. From that moment Episcopacy was a doomed institution in Scotland. It was impossible for any man to submit to become a Bishop without losing every remnant of the self-respect which he might originally have possessed. The moral strength which Presbyterianism gained

from this compromise was incalculable. It soon became the earnest belief of all who were truthful and independent in the nation, that the Presbyterian system was the one divinely appointed mode of Church government, from which it was

sinful to deviate in the slightest degree. Whatever credit must be given to Andrew Melville for his share in producing this conviction, it is certain that the disreputable spectacle of the new Episcopacy was far more effective than any arguments which he was able to use.

In 1581 the Second Book of Discipline received the approval of the General Assembly. By it the Church pronounced its unqualified acceptance of those Presbyterian institutions which, with some slight modifications, finally overcame all opposition, and have maintained themselves to the present day. During the years which had passed since the introduction of the Reformation, the Assembly was becoming less national, and more distinctly ecclesiastical. Its strength lay in the fact that it represented all that was best and noblest in Scotland, and that its Church Courts gave a political education to the lower and middle classes, which they could never find in the Scottish Parliament. Its weakness lay in the inevitable tendency of such a body to push principles to extremes, and to erect a tyranny over men's consciences in order to compel them to the observance of moral and ecclesiastical laws. The censures of the Church fell heavily as well upon the man who kept away from church on the Lord's Day, as on the loose-liver and the drunkard. Under the eye of the minister of the parish, the kirk-session gathered to inflict penalties on offenders, and in the kirk-session no regard was paid to worldly rank. The noblemen, who disdained to meet pious cobblers and craftsmen on an equal footing, naturally kept aloof from such gatherings.

That the Presbyterian assemblies should become political institutions, was probably unavoidable. To them the Calvinistically interpreted Bible was the Divine rule of life. Kings and nobles were to be honoured and obeyed, so far as they conformed to it, and devoted their lives to the carrying out its principles in practice.

Doctrine of
the Divine
right of
Presbyte-
rianism.

1581.
The Second
Book of
Discipline.

Political
character
of the
Assemblies.

If they did not—and of their failure to do so the clergy were to be the sole interpreters—it was the duty of the Church, as in the Middle Ages it had been held to be the duty of the Popes, to withstand them to the face. Presbyterianism did not ask merely to be let alone to pursue its spiritual course unhindered, it asked that the authorities of the State should become its instruments for the establishment upon earth of a kingdom as like that of heaven as it was possible to attain to. Of individual liberty, of the manifold luxuriance of human nature, Presbyterianism knew nothing; but it did much to encourage resistance to the arbitrary power of rulers. It set its face like a flint against any assumption of Divine right, except by its own assemblies. It called upon kings to conform their actions to a definite law. If kings were to master it, it could only be by an appeal to a law wider and more consonant to the facts of nature than its own.

It was inevitable that the Scottish Church at the end of the sixteenth century should entangle itself, not merely in questions relating to the enforcement of the ecclesiastical law, but even in strictly political questions. In those days every religious question was also a political one, and the compact organisation of the Scottish Church enabled it to throw no slight weight into the scale. With a wild, defiant feudalism surging around, and an enraged Catholic Europe ready to take advantage of any breach in the defences of Protestantism, the Scottish Church felt that every political movement involved a question of life or death for the nation of which it was in some sort the representative.

If, indeed, the ministers who guided the assemblies, and through them the various congregations, could have had the assurance that their Sovereign was a man whom they could trust, much mischief might have been spared. James VI.,
Character of James. indeed had many qualities befitting a ruler in such difficult times. Good-humoured and good-natured, he was honestly desirous of increasing the prosperity of his subjects. His mental powers were of no common order; his memory was good, and his learning, especially on theological points, was by no means contemptible. He was intellectually

tolerant, anxious to be at peace with those whose opinions differed from his own. He was above all things eager to be a reconciler, to make peace where there had been war before, and to draw those to live in harmony who had hitherto glared at one another in mutual defiance. He was penetrated with a strong sense of the evil of fanaticism.

These merits were marred by grave defects. He was too self-confident to give himself the pains to unravel a difficult problem, and had too weak a perception of the proportional value of things to enable him to grasp the important points of a case to the exclusion of those which were merely subsidiary. With a thorough dislike of dogmatism in others, he was himself the most dogmatic of men, and—most fatal of all defects in a ruler—he was ready to conceive the worst of those who stood up against him. He had none of that generosity of temper which leads the natural leaders of the human race to rejoice when they have found a worthy antagonist, nor had he, as Elizabeth had, that intuitive perception of the popular feeling which stood her in such stead during her long career. Warmly affectionate to those with whom he was in daily intercourse, he never attached himself to any man who was truly great. He mistook flattery for devotion, and though his own life was pure, he contrived to surround himself with those of whose habits there was no good report. It was easy for his favourites to abuse his good-nature, provided that they took care not to wound his self-complacency. Whoever would put on an appearance of deference, and would avoid contradicting him on the point on which he happened to have set his heart at the moment, might lead him anywhere.

Unhappily, when James grew up to manhood, he was in the hands of unworthy favourites, who taught him the lesson that the clergy were his true enemies. These favourites were known to be acting under the influence of the French Court, and it was strongly suspected that they were likely to favour the re-establishment of the Papal system by the help of foreign armies. Under such circumstances, the struggle in which the clergy were engaged speedily assumed a new form: it was no longer a question whether the property of the

Position of
James.

Church should be simoniacally conveyed away to a few degraded nominees of the nobility : it was a question whether, in the hour of Scotland's danger, free words might be spoken to warn the misguided King of the ruin which he was allowing his favourites to prepare for himself and for his subjects.

James determined to make the ministers feel that force was still on his side. He knew that the greater part of the nobility would concur with pleasure in any measure which served to depress the clergy, and in 1584 he obtained from Parliament the Acts by which the whole government of the Church was placed in the hands of the Bishops.

For two years the struggle lasted between the King and the clergy, with various fortunes. As the end of that time James could not help perceiving that his opponents were, in some degree, in the right. In 1586 the King of Spain was making preparations for the invasion of England ; and if the throne of Elizabeth were overturned, Scotland could hardly hope to escape destruction. James had no wish to become a vassal of Spain and of the Pope, and he entered into a league with England for mutual defence against the enemy by whom both kingdoms were threatened. Such a change of policy naturally removed the principal obstacles to a reconciliation between the King and the clergy, and though it was impossible that any cordial sympathy should spring up between them, that kind of agreement existed which is frequently found between persons of a dissimilar temperament who are united in the pursuit of a common object. In spite of constant bickerings the King, step by step, relaxed his pretensions, and at last, in 1592, gave his consent to an Act by which Presbyterianism was established in its integrity.

It was unlikely that this unanimity would last long. The quarrel, however, sprang up again sooner than might have been expected. Early in 1593 a conspiracy was detected, in which the Earls of Huntly, Errol, and Angus were implicated. Like so many others of the nobility, they had never accepted the Protestant doctrines, and their great power in the north-eastern shires made them

1584.
The restoration of jurisdiction to the Bishops.

1586.
James more friendly to the ministers.

1593.
Defeat of the northern earls by James.

almost unassailable. If they had been let alone they would probably have remained contented with their position, caring as little for the King of Spain as they did for the King of Scotland. But the ministers were bent upon the total extirpation of Popery, and the earls were led to place their hopes in a Spanish invasion. Such an invasion would free them from the assaults of a religion which was perhaps quite as unacceptable to them from its political consequences as from the theological doctrines which it propounded. James, when he discovered what was passing, marched at once into the North, and drove the earls headlong out of their domains.

With one voice the clergy cried out for the forfeiture of the lands of the rebels, and for harsh measures against the Catholics.

James, on his part, hung back from taking such steps as these. Even if he had the will, it may be doubted whether he had the power to carry out the wishes of the ministers. The nobles who had led their vassals against Huntly and his confederates might be willing enough to render a Spanish invasion impossible, but they would hardly have looked on with complacency at the destruction of these great houses, in which they would have seen a precedent which might afterwards be used against themselves.¹ Nor was the power of the earls themselves such as to be overthrown by a single defeat; every vassal on their broad domains was attached to them by ties far stronger than those which bound him to his Sovereign; and if their land were confiscated, many years would pass before

¹ "I have been the day before the date of these with the King to receive answer in writing according to his promise. He hath deferred the same till my next repair. The effect I know; and it tendeth to satisfy her Majesty with all promise on his part. But he disableth himself of means against the purposes of these great men who have embraced Spanish assistances in so dangerous degree. . . . As for the nobility of this land, they be so interallied, as, notwithstanding the religion they profess, they tolerate the opposite courses of the adverse part, and excuse or cloke the faults committed. The assured party is of the ministers, barons, and burghs. With these the King is bound, as he cannot suddenly change his course apparently. But yet of his secret harkenings by the mediation of them who be in special credit with him he is suspected."—Burgh to Burghley, March 30, 1593, *S. P. Scott*. i. 47.

the new owners could expect to live in safety without the support of a powerful military force.

It can hardly be supposed, indeed, that James was influenced by no other motives than these. He was probably unwilling to crush a power which served to counterbalance that of the ministers, and he lent a ready ear to the solicitations of the courtiers who were around him. The earls were once more too strong to be put down without another war. At last he declared that they were to receive a full pardon for all that was past, but that they, as well as all other Catholics in Scotland, must either embrace the Protestant faith or leave the kingdom. If they chose the latter alternative they were to be allowed to retain their possessions during their exile.

Such an award as this drew down upon the King the wrath of both parties. The ministers reviled it as over-lenient to Popery, and the Catholics looked upon it as an act of intolerable persecution. ^{1594.} Huntly and Errol driven into exile. Huntly and Errol refused to accept the terms, and succeeded in defeating the troops which were sent against them under the Earl of Argyle. Upon receiving the news of this disaster James once more marched into the north, the ministers having supported him with the money of which he was in need. The success of the Royal arms was immediate. All resistance was crushed at once, and the earls themselves were forced to take refuge on the Continent.

This victory may be considered to be the turning-point of James's reign in Scotland. It established decisively not only that the nation was determined to resist foreign interference, but that the King had now a national force at his disposal which even the greatest of the nobility were unable to resist. The Scottish aristocracy would long be far too powerful for the good of their fellow-countrymen, but they would no longer be able to beard their Sovereign with impunity.

^{1596.} Return of Huntly and Errol. In the summer of 1596, Huntly and Errol were once more in Scotland. But this time they did not come to levy war upon the King; they were content to skulk in various hiding-places till they could receive permission to present themselves before him.

James was not disinclined to listen to their overtures. To drive the earls to the last extremity would be to ruin the work of pacification which he had so successfully accomplished. He had no wish to undertake a crusade in which he would find little assistance from any but the ministers and their supporters, and which would raise against him a feeling in the whole of the North of Scotland which might cause him no little trouble in the event of a contest arising for the English succession. On the other hand, he may well have thought that the earls had now learned that they were no longer capable of measuring themselves against their Sovereign, and that they would in future refrain from any treasonable undertakings.

These views, which were justified by the event, and in which he was supported by the statesmen by whom he was now surrounded, were not likely to find much favour with the clergy. Towards the end of August, a convention of the Estates was held at Falkland to consider what course was to be taken ; and certain ministers who, as it is said, were likely to give a favourable reply, were summoned to declare their opinions. Amongst them, Andrew Melville presented himself, uninvited. He was the Presbyterian leader of the day, with a mind narrower than that of Knox, the champion of a system rather than a spiritual guide. He had come, he said, in the name of Christ Jesus the King, and his Church, to charge James and the Estates with favouring the enemies of both. Those who were present paid little heed to such objections as these, and gave it as their opinion, that if the earls would satisfy the King and the Church, it would be well to restore them to their estates.

Upon hearing what had passed, the Commissioners of the General Assembly, who were appointed to watch over the interests of the Church, during the intervals between the meetings of that body, invited a number of ministers to assemble at Cupar. These ministers, as soon as they had met together, determined to send a deputation to the King. This deputation was admitted to his presence ; but when they began to lay their complaints before him, he

Convention
at Falkland.

Meeting of
the ministers
at Cupar.

interrupted them by questioning their authority to meet without a warrant from himself. Upon this, Melville, who was one of the deputation, seized him by the sleeve, and calling him Melville and the King. 'God's silly vassal,' told him, in tones which must long have rung in his ears, that there were two kings and two kingdoms in Scotland: "There is Christ Jesus the King," he said, "and his kingdom the Church, whose subject King James VI. is, and of whose kingdom not a king, nor a lord, nor a head, but a member. And they whom Christ has called and commanded to watch over his Church, and govern his spiritual kingdom, have sufficient power of him and authority so to do, both together and severally; the which no Christian King nor Prince should control and discharge, but fortify and assist." He concluded by saying that the King's wish to be served by all sorts of men, Jew and Gentile, Papist and Protestant, was devilish and pernicious. He was attempting to balance the Protestants and the Papists, in order that he might keep them both in check. By such a plan as this, he would end by losing both.¹

There was enough of truth in all this to make it tell upon the King. It is highly probable that the scheme which Melville thus dragged out to the light had more to do with his conduct towards the earls than any enlightened views on the subject of toleration. He was now frightened at Melville's vehemence, and promised that nothing should be done for the returned rebels till they had once more left the country, and had satisfied the Church.

On October 20, the Commissioners of the General Assembly met at Edinburgh. They immediately wrote to all the presbyteries in Scotland, informing them that the earls had returned, with the evident purpose of putting down and massacring the followers of the Gospel, and that it was probable that the King would take them under his protection. Under these circumstances, every minister was to make known to his congregation the true nature of the impending danger, and to stir them up to resistance. In the

The Commissioners at Edinburgh.

¹ J. Melville's *Diary*, 368-371.

meanwhile, a permanent Commission was to sit in Edinburgh to consult upon the perils of the Church and kingdom. Such a step might or might not be justifiable in itself, but there could be no doubt that it was an open defiance of the Government. From that moment a breach between the clergy and the Crown was inevitable.¹

Of all the controversies which still perplex the historical inquirer, there is perhaps none which is more eminently unsatisfactory than that which has been handed down from the sixteenth century on the subject of the quarrel between James and the clergy. It is easy to say that in aspiring to political supremacy the clergy exceeded the proper limits of their office, and that in this particular instance they were animated by a savage spirit of intolerance. It is equally easy to say that they had no reason to repose confidence in James, and that the stopping of their mouths would be a national misfortune, as the freedom of the pulpit furnished the only means by which the arbitrary tendencies of the Sovereign could be kept in check. The fact seems to have been, that whilst the victory either of the King or of the clergy was equally undesirable, it was impossible to suggest a compromise by which the rupture could have been prevented. There was nothing in existence which, like the English House of Commons, could hold the balance even. Partly from the social condition of the country, and partly from the fact that the Scottish Parliament had never been divided into two Houses, that body was a mere instrument in the hands of the King and of the nobility; and if the mouths of the clergy were to be stopped, there remained no means by which the nation could be addressed excepting at the pleasure of the Government.

The weakness of the cause of the ministers lay in this—that they defended on religious grounds what could only be justified as a political necessity. That the General Assembly was in some sort a substitute for a real House of Commons; that the organization of the

Character of
the quarrel
between the
King and
the clergy.

Weakness of
the cause of
the clergy.

¹ *Calderwood*, v. 443.

Church had been invaluable in counteracting the exorbitant power of the nobility and the thoughtless unwisdom of the King; and that the liberty of speech on political subjects which had been preserved in the pulpit had done service for which Scotland can never be sufficiently thankful, are propositions which no candid reader of the history of those times will ever venture to deny. But when the ministers asserted that these things were part of the Divine endowment of the Church, and claimed to maintain their ground in spite of all human ordinances to the contrary, they committed themselves to an assertion which was certain to rouse opposition wherever the institutions of a lay society were regarded with honour.

As the guardian of the interests of lay society James was thoroughly justified in resisting the claim of the clergy to play in Scotland the part of the medieval Papacy. It was some time, however, before he made up his mind that it would be safe to oppose the clergy, and he probably clung to the hope that some amicable arrangement might still be possible. He directed four members of the Privy Council to hold an interview with a deputation of the Commissioners, to declare, in his name, that he would do nothing for the earls or their followers till they had satisfied the Church; and to ask whether, if the Church should think fit to release them from the excommunication which had been pronounced against them, he might receive them again into favour. To these propositions the ministers gave a decided answer. They reminded the King of his promise that he would not listen to the earls till they had again left the country. When they were once more out of Scotland, then, and not till then, the Church would hear what they had to say. But even if the Church saw fit to release them from its sentence, the King might not show favour to men who were under sentence of death for rebellion.

Some few days before this interview took place, Bowes, the English Resident at the Scottish Court, was informed that David Black, one of the ministers of St. Andrews, had, in preaching, used expressions insulting to the Queen and Church of England. Although he was at that

Negotiations with the Commissioners.

Black's sermon.

time actively engaged in supporting the ministers in their opposition to the King, he thought it right to protest against Black's offence. He found that James had already heard of the affair, and was determined to take steps to bring the offender to punishment.¹

Accordingly, when, a day or two after, the Privy Councillors reported the unyielding temper in which their proposals had been received by the ministers, the King replied to ^{The King's demands.} a deputation of the clergy, which had come for the purpose of complaining of their grievances, by telling them plainly that there could be no good agreement between him and them till the limits of their respective jurisdictions had been more clearly defined. For his part he claimed that, in preaching, the clergy should abstain from speaking of matters of state ; that the General Assembly should only meet when summoned by him ; that its decisions should have no validity till after they had received his sanction ; and that the Church

¹ "I received from Roger Ashton this letter enclosed, and containing such dishonourable effects against Her Majesty as I have thought it my duty to send the letter to your Lordship. . . . The King, I perceive, is both privy to this address made to me, and also intendeth to try the matters objected against Mr. David Black. . . . The credit of the authors of this report against him is commended to be good and famous. Nevertheless, he hath (I hear) flatly denied the utterance of any words in pulpit or privately against Her Majesty, offering himself to all torments upon proof thereof. Yet, seeing the offence is alleged to have been publicly done by him in his sermons, and to be sufficiently proved against him by credible witnesses, I shall therefore call for his timely trial and due punishment" (Bowes to Burghley, Nov. 1, 1596, *S. P. Scott.*, lix. 63). Aston's account in the letter enclosed and dated Oct. 31 is as follows :—"About fourteen days since, Mr. David Black, minister of St. Andrews, in two or three of his sermons . . . most unreverently said that Her Majesty was an atheist, and that the religion that was professed there was but a show (?) of religion guided and directed by the Bishop's injunctions ; and they could not be content with this at home, but would persuade the King to bring in the same here, and thereby to be debarred of the liberty of the word. This is spoken by persons of credit to the King, who is highly offended, and at his coming to Edinburgh will bring the matter in trial." These extracts show that the charge against Black was a *bona fide* resistance to an insult supposed to have been directed against the Queen, and not a mere scheme to get up an attack against the privileges of the Church.

courts should not meddle with causes which properly came under the cognisance of the law of the land.¹

According to the ideas which are prevalent in our own day, these demands could only be met either by a frank renunciation of the independent position which had been assumed by the clergy, followed by a request for permission to retain those rights which upon impartial investigation could be shown to be advantageous to their congregations, or by a denial that the State was sufficiently organised to make it probable that justice would be done to them if they renounced their exclusive privileges.

Such a reply was not likely to be made in the sixteenth century. The Edinburgh Commissioners, as soon as they heard what had passed, prepared to defend themselves against an attack upon what they considered to be the purely spiritual privileges of the Church. To them all interference with the Church courts was an assault made by King James upon the kingdom of Jesus Christ, of which they were the appointed guardians. We cannot blame them. If their logic was faulty, their instinct told them truly that, if James were allowed to gain a victory here, he would speedily follow it up by assailing them on ground which was more clearly their own. They therefore, at their meeting on November 11, resolved to resist to the uttermost, and they were strengthened in their resolution by hearing that, the day before, Black had been summoned to appear on the 18th before the Council, to answer for the expressions which he was said to have used in his sermons.*

On the following day the Commissioners determined that Black should decline to allow his case to be tried before the King and Council. The King being applied to, Black summoned before the Council. told them that he would be satisfied if Black would appear before him and prove his innocence, but that he would not suffer him to decline the jurisdiction of the Council.

Under these circumstances a collision was unavoidable.

¹ *Calderwood*, v. 451.

² *Calderwood*, v. 453. Summons of Mr. David Black, Nov. 10, 1596, *S. P. Scott*. lix. 83.

The question was in reality only to be decided by allowing one of two parties to be judges in a case in which both of them were equally interested. No compromise was suggested on either side; nor, indeed, was any possible. Accordingly, on the 17th, the ministers drew up a declaration, which was to be given in by Black on the following day, in which he protested, in their name and in his own, that the King had no jurisdiction over offences committed in preaching, until the Church had decided against the accused minister.¹ Accordingly, on the 18th, Black appeared before the Council and declined its jurisdiction. After some discussion, the final decision upon his case was postponed till the 30th.² The Commissioners at once sent the declinature to all the Presbyteries, requesting them to testify by their subscriptions their agreement with the course which had been pursued at Edinburgh.³

On the 22nd, the King took a final resolution with respect to the Earl of Huntly. He decided that, as it was impossible to exterminate the whole of his following without great danger and difficulty, some terms must be granted, if the country were not to be exposed to a perpetual danger. He therefore required that the earl should find sixteen landowners who would enter into bonds for him that he would leave the realm on April 1, if he had not previously satisfied the Church, that he would banish from his company all Jesuits, priests, and excommunicated persons, and that he would engage in no attempt to disquiet the peace of the country. At the same time James issued a proclamation, forbidding all persons to communicate with Huntly and Errol, and ordering preparations to be made for levying a force, which was to march against them if they should refuse the conditions which he had offered.⁴

¹ This seems to be the natural interpretation of the phrase *in prima instantia*, and agrees with the theory of the Church courts which prevailed at the time.

² Record of Privy Council, in McCrie's *Life of Melville*, note KK.

³ *Calderwood*, v. 460.

⁴ The articles set down by His Majesty. Proclamation against the Earls, Nov. 22, 1596, *S. P. Scott*, lix. 69, 70.

Conditions
to be ex-
acted from
the Earl of
Huntly.

Two days later, the King heard that the ministers had sent a remonstrance to the Presbyteries for signature. He immediately directed three proclamations to be drawn up. The first prohibited the ministers from making any further convocation of his subjects; the second charged new ministers who had come up from the country to return to their several parishes; and the third contained a new summons to Black to appear before the Council to answer not merely for his reflections on Elizabeth, but for several presumptuous observations on the King himself, and on his authority.¹

Before, however, these proclamations were issued, an attempt was made by the ministers to come to terms with the King. Two or three days were spent in negotiations, which could become neither party would give way on the main point. Accordingly, on the 27th,² the proclamations were allowed to pass.

The next day was Sunday. Every pulpit in Edinburgh was occupied by a minister who put forth all his energies in animating the people to join in the defence of the kingdom of Christ, whose spiritual jurisdiction was attacked. Whatever effect these arguments may have had upon the minds of the hearers, they had none whatever upon the King. Black soon appeared before the Council on the 30th, and having solemnly declined its jurisdiction, a formal resolution was passed to the effect that, as the Church had nothing to do with the calumnious imputations of treason and sedition, the Court refused to grant the declinature.

Up to this James made another overture. If Black would retract, and declare upon his conscience the truth concerning the matters with which he was charged, he should be freely pardoned. James forgot that he had to do with men who, whether they were right or wrong, were contending for a great principle, and who were not to be moved by a mere offer of forgiveness. They told the King

¹ *Clarendon*, Nov. 24, 1596, *S. P. Scotl.* lix. 72, 73, 74.

² *Clarendon*, Nov. 27, 1596, *S. P. Scotl.* lix. 75.

at they were resisting him on behalf of the liberty of Christ's gospel and kingdom, and that they would continue to do so until he retracted what he had done.¹ James appears to have been to some extent intimidated by their firmness. Although the Council was engaged in receiving depositions against Black,² yet the King himself continued the negotiations to which he had entered, and on the following morning agreed to withdraw the acts of the Council upon which the proclamations had been founded, and to relinquish the proceedings against Black, on condition that he would, in the King's presence, make a declaration of the facts of his case to three of his brother ministers. Before, however, Black could be brought before him, James had, in consequence of the representations of some who were about him, changed his mind so far as to think that he should acknowledge at least his fault towards the Queen.³ This Black utterly refused to do, and the negotiations came to an end. The Council immediately assembled, and as he did not appear, proceeded to pronounce him guilty, leaving the penalty to be fixed by the King.

It was some days before the sentence was carried into effect. The negotiations which had been broken off were once more resumed. As before, both sides were ready to give way in everything excepting on the main point at issue. At last the King's patience was exhausted, and he ordered Black to go into banishment to the north of the bay. Not long afterwards, the Commissioners were directed to leave Edinburgh, and the ministers were informed that those who refused to submit would be punished by the loss of their stipends.

The Commissioners had not been long gone when a fresh proposal was made by the King to the ministers of the town.

It is unlikely that, under any circumstances, it would have been attended with satisfactory results. But, however that may have been, James did not give fair play to

¹ *Calderwood*, v. 482.

² Depositions, Dec. 1, 1596, *S. P. Scott*. lix. 83.

³ He was to 'confess an offence done to the Queen at least.' *Calderwood*, v. 486.

his renewed attempts at conciliation. Unfortunately there were those about the Court who were interested in bringing the quarrel to an issue. The King had for some months placed his confidence in a body of eight persons, who on account of their number went by the name of the Octavians. Under their management the finances were being reduced to some degree of order, an operation which had only been rendered possible by a considerable reduction of the Royal expenditure. As a natural consequence, the Court was crowded with men whose income was curtailed by the economy which had lately come into fashion, and who longed for the downfall of the Octavians, in order that the money which was now spent upon worthier objects might once more flow into their own pockets. Accord-

The courtiers stir up the quarrel.

ingly, there were actually to be found amongst the courtiers some who were prepared to inflame the already sufficiently angry temper which prevailed on both sides, in order to make their own profit in the general scramble which would ensue. On the one hand, they informed the King that some of the citizens of Edinburgh kept a nightly watch round the house in which the ministers lived, and that they might at any time rise in insurrection against the Government. On the other hand, they told the ministers that the Octavians were at the bottom of all that had passed, and that it was through their means that the Popish lords had been allowed to return. James at once fell into the trap, and, on the night of the 16th, ordered twenty-four of the principal citizens of Edinburgh to leave the town. As soon as the courtiers knew that this order had been given, they wrote to the ministers, telling them that it had been procured from the king by Huntly, who, as they falsely alleged, had visited him shortly before it had been issued.

On the morning of the 17th, Walter Balcanqual, after complaining in his sermon of the banishment of so many innocent persons, inveighed against the principal Octavians, and requested the noblemen and gentlemen who were present to meet with the ministers in the Little Kirk after the conclusion of the sermon. As soon as they were assembled the meeting was addressed by Robert Bruce, one of

Meeting in the Little Kirk.

the foremost of the Edinburgh ministers, and it was determined that a deputation should be sent to the King to remonstrate with him, and to demand the dismissal of his councillors. James received them at the Tolbooth, and after some sharp words had passed on both sides, left the room without giving them any answer. Upon the return of the deputation to those who sent them, they found that the state of affairs had greatly changed in their absence. As soon as they had left the church, a foolish minister had thought fit to occupy the minds of the excited multitude by reading to them the narrative of the destruction of Haman, from the book of Esther.

Deputation to the King. Whilst they were attending to this, some one among the crowd, who, according to the popular belief of the time, had been suborned by the courtiers, raised a cry of 'Fly! save yourselves!' Upon this, the whole congregation, with their minds full of the supposed treachery of the Octavians and the Popish lords, rushed out from the church in order to put on their armour. In a moment the streets were full of an armed crowd of armed men, who hardly knew what was the danger against which they had risen, or what were the steps which they were to take in order to provide against it. Some of them, not knowing what to do, rushed to the Tolbooth, and demanded that the most obnoxious of the Octavians should be delivered up to them.

Such a tumult as this was not likely to last long. The provost had little difficulty in persuading men who had no definite object in view to return to their homes, a task in which he received the full support of the ministers.

Behaviour of the King. James's conduct was not dignified. He seems to have been thoroughly frightened by what was passing around him, and he sent at once to the ministers, to whose complaints he had so lately refused to listen, directing them to send another deputation to him at Holyrood, to which place of safety he proceeded under the escort of the magistrates as soon as the tumult was pacified.

Accordingly, in the evening, the new deputation set out for Holyrood, carrying with them a petition in which among other

things, they simply demanded that everything which had been done to the prejudice of the Church during the past five weeks should be at once annulled. They can hardly have expected that James would grant such a request as this. He was now no longer under the influence of terror, and everyone who was in his company during that afternoon must have urged him not to give way to such a gratuitous acknowledgment of defeat. If he had received the deputation, and had announced to them that, though he was ready to agree to any reasonable terms, he would not surrender the rights of the Crown, there would have been nothing to say against his conduct ; but, instead of doing this, he was mean enough to employ Lord Ochiltree to meet the deputation on its way, in order that he might terrify or cajole them into returning without fulfilling their mission.¹

The next morning James set off for Linlithgow, leaving behind him a proclamation commanding all strangers to leave He leaves Edinburgh. Edinburgh at once, and ordering the removal of the Courts of Justice. It was evident that he intended to make use of the tumult of the day before to bring the question between the clergy and himself to an issue. No doubt he was determined to make the most of an affair which was in reality of very little consequence ; but it is unlikely that he was influenced, as is generally supposed, by any very deep and hypocritical policy. In his eyes, the tumult must have assumed far larger proportions than it does to us, standing at this distance of time ; and even if he had not been surrounded by men who were unwilling to allow the truth to penetrate to his ears, he would naturally suppose that the ministers had taken a far more direct part in the disturbance than had in reality been the case. The ministers certainly did not take such a course as was likely to disabuse him of his mistake. They wrote to Lord Hamilton, who, in consequence of his elder brother's insanity, was at the head of the great house which ruled over the important district of Clydesdale, begging him to come to Edinburgh, and to put himself at their head.² On the following day Bruce

¹ *Calderwood*, v. 502-514. *Spottiswoode* (Spottiswoode Society's ed.), iii. 27, 32. Bowles to Burghley, Dec. 17, 1596. *S. P. Scotl.* lix. 87.

² *Calderwood*, v. 514. The letter, before it reached the King's hands,

reached with all his energy against the assailants of the Church, and another minister made a violent personal attack upon the King. Accordingly, on the 20th, the magistrates of Edinburgh were ordered to commit as prisoners to the Castle the ministers of the town, together with certain of the citizens, in order that they might answer for their proceedings on the day of the tumult. Bruce and some others of the ministers, knowing that they could not expect a fair trial at the hands of their opponents, sought safety in flight.¹ Shortly afterwards, the Council declared that the tumult had been an act of treason. At the same time, the King issued a declaration, which he required every minister to sign, on pain of losing his stipend. By this signature he was to bind himself to submit to the King's judicatory in all civil and criminal causes, and especially in questions of treason and sedition.

James was determined to show that physical force at least was on his side. There was scarcely a noble in Scotland who did not look with displeasure upon the pretensions of the clergy; and the King had soon at his command a force which made all resistance useless. On January 1, 1597, he entered Edinburgh, and received the submission of the townsmen. Going to the High Church, he declared his determination to uphold the reformed religion. At the same time, however, he refrained from any declaration of his intention to pardon those who had taken part in the late tumult, and left them with the charge of treason hanging over their heads.

It had not been very difficult to overpower the resistance of the ministers; but it was by no means so easy to devise a scheme by which such collisions might be prevented for the future. There were, in fact, only two ways in which it was possible to obviate the continual danger of a renewal of the quarrel. On the one hand, James might, if he were strong enough, recall into existence the abolished Episcopacy, or, in other words, he might attempt to alter, so as to contain expressions of approbation of the tumult.

¹ *Calderwood*, v. 514-521; *Spottiswoode*, iii. 32-35.

once more to keep the ministers in silence and subjection by means of members of their own order. On the other hand, there was a proposal which had been often made for admitting the representatives of the Church to a share in the deliberations of Parliament, without giving to those representatives any title or jurisdiction derived from the Crown. Parliament would thus, it might be hoped, step in some degree into the place which was occupied by the body which bore the same name in England, so as to give full play to all the social forces which existed in the country, and to support the Crown in its efforts to mediate between the nobility and the clergy.

This last scheme had the advantage of the advocacy of the Secretary, John Lindsay of Balcarres,¹ who was decidedly the ablest statesman in the country. Irreconcilably opposed to the pretensions of the ministers to an independent position, he was no less opposed to the equally exorbitant pretensions of the high nobility. It was to him that the representatives of the smaller landed gentry owed their introduction into Parliament. He hoped to be able by their means to counterbalance to some extent the votes of the heads of the great feudal houses. In the same spirit, he was anxious to see the representatives of the Church added to the numbers of those who were summoned to Parliament to treat of matters of national concern.²

¹ The fact that he put it forward in the spring of 1596, in connection with a scheme which made the restoration of prelacy impossible, shows that he did not advocate it as a covert means of introducing Episcopacy. *Calderwood*, v. 420.

² It is generally supposed that the greatest difficulty would have been found with the High Presbyterian clergy. Yet if, as was in itself desirable, a stipulation had been made that the representatives of the Church in Parliament should always be laymen, it is unlikely that they would have resisted. At the Conference at Holyrood House in 1599, "It was demanded, who could vote for the Kirk, if not ministers? Answered, it might stand better with the office of an elder or deacon nor of a minister, they having commission from the Kirk and subject to render an account of their doing at the General Assembly, and that, indeed, we would have the Kirk as fair enjoying her privileges as any other, and have His Majesty satisfied, and the affairs of the common weal helped; but not with the hinder, wreck and corruption of the spiritual ministry of God's wor-

Yet, specious as this scheme appears, it may well be doubted whether it would have been attended with any satisfactory results. It is true that if the evils under which Scotland was labouring had been merely the results of a defect in the institutions of the country, no plan could possibly have been devised which was more likely to be successful than the union of the bodies which were in reality two distinct Parliaments, legislating independently of one another, and constantly coming into collision. But the truth was, that the two Parliaments were in reality the leaders of two distinct peoples living within the limits of one country, and that any attempt to bring them to work together would only have been attended by a violent explosion. If, indeed, James had been a different man, and if he had from the beginning of his reign given a sympathising but not unlimited co-operation to the cause of the ministers, which was in reality the cause of good order as well as of religion, he might have been able to mediate with effect between the two classes of his subjects. If, for instance, he had been a man such as was the great founder of the Dutch Republic, the clergy would at least have listened to him respectfully when he told them that, for political reasons, it was impossible to deal as they wished with the northern Earls. At all events they would not have been goaded into unwise assertions of questionable rights by the supposition, which, however ill-founded, was by no means unreasonable, that the King was at heart an enemy to the Protestant religion as well as to the political pretensions of the clergy.

shipping, and salvation of his people" (*Calderwood*, v. 752). In 1592, at the time when the acts confirming the Presbyterian system were passed, the English Resident wrote as follows :—"Sundry laws are made in favour of the Church ; but the request of the ministry to have vote in Parliament is denied, notwithstanding that they pressed the same earnestly, in regard that the temporalities of the prelates (having place in Parliament for the Church) were now erected and put in temporal lords and persons, and that the number of the prelates remaining are few and not sufficient to serve for the Church in Parliament" (Bowes to Burghley, June 6, 1592, *S. P. Scot.* xlvi. 44). The real difficulty would have come from the nobles, if the ministers could have been convinced that the King was acting in good faith.

But this was not to be. James found himself in a position from which there was no satisfactory way of escape. He found himself led on, step by step, from an undertaking in which he at first embarked with a view to restrain encroachments upon his own power, till, before his death, he had himself encroached far upon the proper domain of the clergy, and had sown the seeds of the whirlwind which was to sweep away his son.

It soon became evident that there were considerable difficulties to be overcome before the clergy and the nobility could be brought to work together in Parliament. It was not easy to obtain the consent of the ministers to the change, suspicious as they naturally were of the intentions which might be concealed under the King's proposal. The only chance of gaining the approval of a General Assembly lay in resorting to a manœuvre. It was well known that the character of the Assembly was in a great measure influenced by the locality in which it met, as few of the ministers were able to afford to travel from distant parts of the country. Accordingly, James summoned the Assembly to meet at Perth, in order that it might be convenient for the ministers of the north to attend. These men had never shared the feelings which animated their brethren in the south, and were generally regarded by the High Presbyterian party as ignorant and unlearned. There were, however, on this occasion special reasons which would move them to take part with the King. If they were in some measure cut off from the intellectual movement of Edinburgh and St. Andrews, they were far more practically acquainted with the power of the northern Earls. If the confiscation of the lands of Huntly and Errol would in reality have served the Protestant cause, it cannot be doubted that these men would have been ready to cry out for it. In reality they must have known that they would have been the first to suffer from the confusion into which the country would have been thrown by any attempt to carry such a sentence into execution, and they were ready to support the authority of the King, which promised them the best chance of a quiet life for the future.

When the Assembly met at Perth, on February 29, the King was not contented with leaving the northern ministers to come to their own conclusions. The courtiers were employed to flatter and caress them. They were told that it was time for them to make a stand against the arrogance of the Popes of Edinburgh. They were closeted with the King himself, who used all the arguments at his disposal to win them to his side. The result was seen as soon as the first great question was brought before the Assembly. They were asked whether the Assembly was lawfully convened or not. The High Presbyterian party declared that it was not, as it had been summoned by royal authority ; but, in spite of all their efforts, the question was decided against them.

As soon as this point was settled, James proposed thirteen articles, to which he wished them to give their replies. The question of the vote in Parliament he left to another occasion, but he obtained permission to propose to a future Assembly alterations in the external government of the Church. The Assembly also agreed that no minister should find fault with the King's proceedings until he had first sought for remedy in vain, nor was he to denounce anyone by name from the pulpit, excepting in certain exceptional circumstances. The ministers were forbidden to meet in extraordinary conventions, and leave was given to the Presbyteries of Moray and Aberdeen to treat with the Earl of Huntly, who was asking, with no very good grace, for admission into the Protestant Church.

The King had thus gained the consent of the Assembly to the view which he took on most of the questions at issue between himself and the clergy. But a vote obtained by Court influence could not possibly have commanded the respect of those who were bound by it, and it was not by the shadow of legality which was thus thrown over the royal acts that the Melvilles and the Blacks were to be restrained from pronouncing the whole affair to be a mere caricature of the true Assemblies of the Church.¹

¹ Melville's *Diary*, 403-414. *Book of the Universal Kirk* (Bannatyne Club), 889.

Two months later another Assembly met at Dundee, principally composed of the same class of persons, and animated by a similar spirit. They agreed to accept the submission of Huntly, Errol, and Angus, and gave permission for their absolution from the sentence of excommunication which had been pronounced upon them. They consented that a commission should be granted to certain of the principal ministers to confer from time to time with the King's Commissioners on the subject of the settlement of the ministers' stipends, and to give their advice to the King on all matters concerning the affairs of the Church. This appointment was long afterwards regarded as the first step towards the introduction of Bishops. But it may be doubted whether as yet James had formed any such intention. At present, his wishes seem to have been confined to the discovery of some means by which his authority might be maintained, and his experience of the last two Assemblies may well have led him to suppose that he could effect his purpose far better by the use of his personal influence than by any change in the existing system of Church government.

The
Assembly
at Dundee.

On June 26, the three Earls were released from their excommunication at Aberdeen, upon declaring their adhesion to doctrines at which they must have inwardly revolted. However necessary it might have been to relieve them from civil penalties, the ministers who hung back from countenancing this scene of hypocrisy stand out in bright contrast to the King who forced the supposed penitents to submit to such an indignity.

Absolution
of the Earls.

In the course of the following month the Edinburgh ministers were again permitted to occupy their pulpits. The town had some time before been pardoned for the tumult of December 17, but not until a heavy fine had been exacted from it.

James now seemed to have established his authority on a sure foundation. Huntly and the great nobles were reduced to live for the future as peaceable subjects. The return of the exiles had not been attended with the results which the ministers had predicted. From this time we hear no more of intrigues with foreign powers for

Condition of
the king-
dom.

the overthrow of the monarchy. The Church, too, had, by means which will not bear too close inspection, been induced to renounce some of its most exorbitant pretensions, and it seemed as if days of peace were in store for Scotland.

Everything depended on the spirit in which James took in hand the measure by which he hoped to obtain for the ministers a vote in Parliament, and on the success by which his efforts were attended. On December 13 Parliament met, and the Commissioners appointed by the last Assembly, who had no doubt come to an understanding with the King, petitioned that the Church might be represented in future Parliaments. Here, however, they met with unexpected obstacles. The great men who sat in Parliament were by no means willing to see their debates invaded by a crowd of ministers, or even by lay delegates who should be responsible to an ecclesiastical assembly. Unwilling to assent to the proposal, and yet desiring not to displease the King, they passed an Act authorising those persons to sit in Parliament who might be appointed by the King to the offices of Bishop or Abbot, or to any other prelacy. Such an Act was in reality in direct opposition to the petition which had been presented. The Commissioners had asked for seats for representatives of the clergy. The Parliament granted seats to two classes of persons: to laymen who had accepted ecclesiastical titles in order to enable them to hold Church property, and to ministers who were appointed by the King, and who need not have any fellow-feeling at all with their brethren. It was said at the time that those who assented to this Act were induced to do so by the belief that no minister would accept a bishopric from the King, and that they would thus be able to shelve for ever so distasteful a subject. At the same time, they took care to point out that their wish was that the new Bishops should, if they ever came into existence, be employed to exercise jurisdiction of some kind or other, by enacting that the King should treat with the Assembly on the office to be exercised by them 'in their spiritual policy and government in the Church.'¹

Proposal
that the
clergy
should
have a vote
in Parlia-
ment.

¹ *Acts of Parl. Scotl.* iv. 130.

On March 7, 1598, the Assembly met once more at Dundee. As on former occasions, every influence was used to win over the members to support the policy of the Court.

1598.
Assembly
at Dundee.

There was one, however, amongst those who had presented themselves who was known to be intractable. Andrew Melville was not to be seduced or intimidated in the performance of his duty. James had, accordingly, in no very straightforward way, taken measures to prevent his sharing in the discussions of the Assembly.

Andrew
Melville
forbidden
to sit.

In the preceding summer he had himself visited St. Andrews, and, under his influence, a new rule had been laid down by which all teachers in the University who did not at the same time hold a ministerial charge were prohibited from taking any part in Church assemblies. He now, in virtue of this rule, which can hardly have been made except for the express purpose of excluding the great leader of the Church party, refused to allow Melville to take his seat.

It was not without opposition that the King carried his point. He declared that what he desired was not to have 'Papistical or Anglican Bishops.' He wished that the best and wisest of the ministry should take part in the deliberations of the Council and of the Parliament, in order that they might be able to speak on behalf of the Church. He himself took a share in the debates, and allowed himself to make an unfair use of his position to interrupt the speakers, and to bear down all opposition. At last, by a small majority, the Assembly decided that fifty-one representatives of the Church should vote in Parliament. The election of these was to pertain in part to the King and in part to the Church. They did not think fit to descend any further into particulars at the time. An opportunity was to be allowed to the various Presbyteries and Synods to consider of the precise position which was to be occupied by the future representatives. A convention was afterwards to be held, at which three persons nominated by each Synod and six doctors of the Universities were to be present. It was only, however, in the improbable case of the Convention being unanimous on the points which were to be submitted to it, that its decision was to be final in settling the

The King's
proposal
allowed.

position of the representatives of the Church. If differences of opinion arose, a report was to be made to the next General Assembly, which would itself take the matter in hand.

Accordingly the Convention met at Falkland on July 25, and decided that the representatives should be nominated by the King out of a list of six, which was to be submitted to him by the Church upon each vacancy. The representative, when chosen, was to be responsible for his actions to the General Assembly, and was to propose nothing in Parliament for which he had not the express warrant of the Church.¹ As, however, the meeting was not unanimous, the final decision was left to the next General Assembly.

It is obvious that this scheme was entirely different from that which had been proposed by the Parliament. What the Convention had agreed upon was the admission of a body of men into Parliament who would be able to keep in check the temporal lords. What the Parliament had consented to was the admission of men who would assist the Crown and the nobility in keeping in check the clergy. Between these two plans James was now called upon to decide. As far as we can judge, he had hitherto been in earnest in his declarations that he had no wish to re-establish Episcopacy. He was at no time able to keep a secret long, and, if he had been acting hypocritically, his real sentiments would have been certain to ooze out in one quarter or another.² But, however this may have been,

¹ *Calderwood*, vi. 17.

² There is no direct evidence on one side or the other. But the frequency with which James's design of establishing the bishops is spoken of by Nicolson in his despatches to the English Government in the course of the following year, warrants us in founding upon his silence at an earlier period a strong presumption that there was no such design formed up to the autumn of 1598. The following passage in a letter written when the subject was before Parliament in 1597 is interesting: "The same day the articles given by the Kirk was dealt in again. The King seemed willing to have yielded them contentment, and so they acknowledge it in the pulpit and otherways. But the Council was against them, saying, if they should have place in Parliament and Council, it were meet for the King's honour that they had the title of some degree by the name of some *degree of prelacy*, and so they should be of more estimation with the

he certainly had not taken all this trouble in order to introduce fifty-one delegates of the General Assembly within the walls of Parliament. What he wanted was a body of men who would give weight to the decisions of Parliament in dealing with the cases in which there had hitherto been a conflict between the two jurisdictions; and it is no wonder that he thought that he could have attained his end, if a certain number of representatives had been elected for life. As far as we can be justified in ascribing to James any definite plan at all, it is probable that he expected that the Parliament, thus reinforced, would support him in the maintenance of his jurisdiction in all external matters, whilst all purely ecclesiastical affairs would be left, as before, to the General Assembly.

The best thing James could have done would have been to throw up the whole scheme, and to wait for better days. The distrust existing between the nobility and the clergy, and the little confidence with which he was regarded by the ministers, rendered his conciliatory proposal incapable of being carried out. It was certain that the scheme of the convention would never be accepted by Parliament, and even if it had been accepted, it would probably have been impossible to reduce it to working order. The time might come when a wise and firm Government might be able to overcome the difficulties by which the double representation of the nation was encumbered; but that time had not yet arrived.

Nor was it likely that James would do anything to anticipate such a time. He became more and more enamoured of the measure which had been proposed by the Parliament, and he felt an increasing desire for the re-establishment of Episcopacy.

James thinks of restoring Episcopacy.

people, saying that when the Queen of England called any to be of her Council for their wisdom, she honoured them with the title of Knight or other degree, and without some degree of prelacy or other it was not meet they should have place in his Council, thereby thinking the ministers would not receive title and place thereby. But the King, seeing the lords would not otherwise agree unto their motion, willed them not to refuse it, promising to find a myd " [? middle or compromise] " for them therein. Wherein they retain the matter to their choice until they may advise with the General Assembly."—Nicolson to Cecil, Dec. 23, 1597, *S. P. Scott*, lxi. 65.

as the only possible means of bringing the clergy to submit to his own authority. With Episcopacy as an ecclesiastical institution, he had, at least as yet, no sympathy whatever. He regarded it simply as a device for keeping the clergy in order, and he did not see that by the very fact of his clothing the officials who were appointed by him for this purpose with an ecclesiastical title, he was preparing for himself a temptation which would soon lead him to interfere with those strictly ecclesiastical matters which were beyond his province. He had hitherto been in pursuit of an object which was at least worthy of the efforts of a statesman. He was now entering upon a path in which the wisest man could not avoid committing one blunder after another.

It was in preparing the 'Basilicon Doron,' the work which James drew up in the autumn of this year,¹ for the instruction

of his son, and which, as he intended it to be kept from public knowledge, may be supposed to contain his real thoughts, that he first gave expression to his opinions on this subject. In this book he spoke clearly of his wish to bridle the clergy, if possible, by the reintroduction of Bishops into the Church. He was not likely to feel less

strongly in the following year, when he was again irritated by a renewal of his old quarrel with Bruce and the ministers of Edinburgh, respecting the amount of licence which was to be allowed to them in speaking of State affairs in the pulpit. At the same time, his own conduct was such as to give rise to grave suspicions. Not only did the sentiments expressed in the 'Basilicon Doron' become generally known, when it was found impossible to keep the existence of the book any longer a secret, but he allowed himself to engage in those intrigues with the Catholic Powers of Europe, in the hope of obtaining their support at the death of Elizabeth, which afterwards gave rise to so much scandal. Seton, the President of the Session, and Elphinstone, who had lately become Secretary in the place of Lindsay of Balcarres, were known to be

¹ The earliest mention of the book is probably in the undated advices from Nicolson ascribed by Mr. Thorpe to Oct. 1598. S. P. Scott. *lxxx. 5a.*

Catholics. Montrose, who had long befriended the northern Earls, was appointed Chancellor, and Huntly himself was constantly seen at Court, and was raised to the dignity of a Marquis, an honour which was by no means counterbalanced in the eyes of the clergy by the gift of a similar title to the Protestant Hamilton.

Towards the end of 1599, James determined to make a last attempt to change the purpose of the ministers. The Assembly was to meet at Montrose in March, but he thought that before he presented himself before it, it would be well to summon a conference of the principal ministers to meet him at Holyrood in the preceding November. It was in vain, however, that he did his best to induce them to agree to the appointment of representatives for life, and to his proposal that these representatives should bear the title of Bishops.¹ When the Assembly met at Montrose, no better success attended his efforts. It was there decided, that the representatives of the Assembly who were to vote in Parliament should only hold their position for a year, and that they were to be tied down by such a body of restrictions that it would be impossible for them to be anything else than the obedient servants of the Assembly.

James had thus brought himself into a position from which it was difficult to extricate himself with dignity. He must either assent to the nomination of representatives who would never be permitted to vote, or he must appoint Bishops who, unless he could contrive to impose them by force upon the unwilling Church, would not be allowed to exercise any jurisdiction whatever. Under these circumstances, everything combined to lead him to choose the alternative which was offered by the Parliament. It was not, however, till after the strange incident of the Gowrie Plot had brought him once more into collision with the ministers who refused to believe his explanation of that mysterious occurrence, that he made up his mind to take the final step. On October 14 1600, he summoned a Convention of Commissioners from the various synods, whose consent he obtained to the appointment

1600.
Assembly at
Montrose.

Appoint-
ment of
Bishops.

¹ *Calderwood*, v. 746.

of three Bishops in addition to the few who were still surviving from amongst those who had been formerly nominated. These Bishops took their seats, and voted in the Parliament which met in November,¹ but they had no place whatever assigned to them in the organization of the Church. The exact part taken by the Convention in this nomination is uncertain ; but it is clear that, as it was not a General Assembly, it had no right to act in the name of the Church. The rank, therefore, of these new Bishops cannot be regarded as anything more than that which could be derived from a civil appointment by the Crown, which was covered over by the participation of a few ministers who were altogether unauthorised to deal with the matter. The whole of the labours and intrigues of the last three years had been thrown away, and James had done nothing more than he might have done immediately upon the passing of the Act of Parliament in 1597.²

The position which James had thus taken up towards the Scottish Presbyterians, was likely to affect his conduct when he came to deal with the English Puritans. For the present James's attention was drawn aside to the work of making good his claim to the English throne. For some years Englishmen had been looking forward with anxiety to

The English
Succession.

¹ Calderwood represents them as being chosen by 'the King with his Commissioners and the ministers there convened.' Nicolson writes : "According to my last, the King laboured the erecting of the Bishops exceeding earnestly ; yet for that the same was to be done with general allowance of the Kirk, he directed the Lord President, Secretary, and others to confer with the Commissioners of the Kirk, who, standing upon what was set down at the General Assembly last at Montrose, the King not pleased therewith, nor with the coldness of the estates therein, got it consented unto that the three new Bishops . . . should have vote with the prelates, and so they had it this day, leaving their further authorities to the next General Assembly."—Nicolson to Cecil, Nov. 15, 1600, *S. P. Scotl.* lxvi. 96.

² Writers frequently speak of the King's Bishops as if they were in some way connected with the appointment of representatives assented to by the Assembly of Montrose. Such, however, is evidently not the case. They derived their title simply from the Act of Parliament and the prerogative of the Crown. At the Assembly which met at Burntisland in 1601, there seems to have been no reference to the Bishops on either side.

the death of Elizabeth, and had prognosticated that it would be followed by internal convulsions, if not by a foreign invasion. Curious persons reckoned up a list of fourteen claimants to the Crown,¹ not one of whom could show a title perfectly free from objection. Of these, however, the greater number must have known that they had no chance even of obtaining a hearing, deriving their claims, as they did, from sovereigns who reigned before Henry VII., and thus ignoring the rights of the House of Tudor. The only one of these whose claim had been prominently brought forward was Isabella, the eldest daughter of Philip II. of Spain. Those who asked that a Spanish princess should wear the crown of Elizabeth, urged that she was descended from a daughter of William the Conqueror, from a daughter of Henry II., and from a daughter of Henry III. They also brought forward the fact that her ancestor, Louis VIII. of France, had been chosen to the throne of England, and they argued that his descendants had a right to occupy the throne in preference to the descendants of John.² Such reasoning was by no means conclusive, and the support of her title by the more violent Catholics was not likely to conciliate the nation in her behalf.

In fact the only doubt which would by any possibility be raised was, whether the succession would fall to the House of Suffolk, or to the House of Stuart.

The Parliamentary title was undoubtedly vested in the Suffolk line. By an Act of Parliament, Henry VIII. had been empowered to dispose of the succession by will ; and he had directed that, after his own children and their issue, the Lady Frances, the eldest daughter of his sister Mary, Duchess of Suffolk, should succeed. Failing her and her children, her place was to be taken by her sister Eleanor. After the death of Lady Jane Gray, who was the eldest daughter of the Lady Frances, the claims of the elder branch of the Suffolk line were represented by Lady Jane's next sister, Catherine. If Elizabeth had died before 1587, there can be

¹ Introduction to the *Correspondence of James VI. with Sir R. Cecil.*

² Doleman (Persons), *Conference on the Succession*, 151.

little doubt that Catherine Gray, or one of her family,¹ would have succeeded her. As long as the Queen of Scots was alive, the reasons which had determined the nation to support Henry VIII. in excluding the House of Stuart were still of importance. With the execution of Mary all these objections fell to the ground. There was now no sufficient cause for tamper-

ing with the ordinary rule of hereditary succession.
and of the Stuart line.

If Parliament had been allowed to follow its own wishes, an Act would undoubtedly have been passed securing the succession to James, who was the representative of his great-grandmother Margaret, the eldest daughter of Henry VII. But the prejudices of the Queen stood in the way. She was determined that in her lifetime no one should be able to call himself her heir. But that when, in the course of nature, she should be removed from the throne, James would be acceptable, with scarcely an exception, to the whole English nation, was undeniable. The desire to return to the regular course was certainly strengthened by the position in which the Suffolk family stood at the end of Elizabeth's reign. There were doubts as to the validity of the marriage of Catherine Gray with the Earl of Hertford, and, consequently, of the legitimacy of his eldest son, Lord Beauchamp. If the marriage should be hereafter proved to be invalid, Lord Beauchamp's claim would be worthless ; if, on the other hand, it should be proved to be valid, the claim of any representative of the younger branch of the Suffolk line would be equally worthless.

If the Parliamentary title were discarded, the claim of James was certain to prevail. Lawyers indeed had been found who had discovered that his cousin, Arabella Stuart, who was also descended from Margaret, the sister of Henry VIII., had a better title, as she had been born in England, whereas James had been born in Scotland. It was a maxim of the English law, they argued, that no alien could inherit land in England. If, therefore, James was incapable of inheriting an acre of land south of the Tweed, he was still more incapable of inheriting the whole realm. A few of the more moderate Catholics would have welcomed the accession of Arabella, as they thought it more

Arguments
in favour of
Arabella
Stuart.

¹ She herself died in 1567.

likely that they would obtain toleration from her than from a King who had been nursed in the Presbyterian Church of Scotland ; but with this exception, these crotchets of the lawyers met with no response in the nation.

The only obstacle which was likely to oppose itself to the realisation of the wishes of the people arose from the character of James himself. For some years he was unable to believe that he could obtain the object of his desires without some superhuman effort of his own. He was bent upon getting together a party who would support his claims when the day of trial came. He intrigued with Essex, with Mountjoy, and even with the rebel Tyrone.¹ If he did not consent to head an army for the invasion of England, he at all events gave no decided refusal when the proposal was made to him.

Many of his counsellors and associates in Scotland had been anxious to embark him on a still more dangerous course. The Catholics about him wished him to become King of England with the assistance of the Pope, to grant liberty of conscience to the Catholics of both kingdoms, and to set Presbyterians and Puritans at defiance.² They were anxious to engage him in a correspondence with the Pope himself. In 1599, a certain Edward Drummond was about to proceed to Rome. James consented to entrust him with letters addressed to the Duke of Florence, the Duke of Savoy, and some of the Cardinals, asking them to support the appointment of the Bishop of Vaison—a Scotchman, named Chisholm—to the Cardinalate, who was expected to watch over the interests of James at Rome. But James resolutely refused to write

¹ This letter to Tyrone is among the *Lansd. MSS.*, lxxxiv. fol. 79 a. Tyrone's answer is in the *S. P. Scott.* lxi. 28. The whole subject of the relations between James and the English parties is treated of at some length by Mr. Bruce in his introduction to the *Correspondence of James VI. with Sir R. Cecil.* These letters add one or two new facts to the history, but their chief value consists in the light which they throw upon the character of Cecil. Nothing can be more instructive than the contrast between the tone of these letters and those of Lord Henry Howard, which have so often, in spite of repeated protests, been taken to represent Cecil's feelings as well as his policy.

² Gray to Salisbury, Oct. 3, 1608. *Hatfield MSS.* cxxvi. fol. 59.

to the Pope himself, not because he had any scruple about negotiating with him, but because he objected to address him as 'Holy Father.' Elphinstone, the Secretary of State, urged on by men higher in authority than himself, persuaded Drummond to draw up a letter to the Pope asking for the Bishop's appointment and explaining that the bearer was directed to say that James had no intention of persecuting the Catholics. Elphinstone slipped this letter in amongst the others which were awaiting James's signature as he was going out hunting, and had the titles added afterwards by Drummond. Some time later, information that this letter had been delivered in Rome reached Queen Elizabeth, and she directed her ambassador to remonstrate with James. James summoned Elphinstone to bear witness that no such letter had been sent, and Elphinstone not only avowed his ignorance of the letter, but persuaded Drummond on his return from Rome to support him in his falsehood.¹

¹ Elphinstone was subsequently created Lord Balmerino. In 1608 the whole story came out. The narrative as given above is taken from his letter to the King, Oct. 21, 1608 (*Hatfield MSS.*, cxxvi. fol. 67), and from his relation in *Calderwood*, v. 740. My reasons for believing it will be given when I come to deal with Balmerino's trial. In the meanwhile the following extract from a letter of the Jesuit Creighton will serve to put James's conduct in a clear light :—"As touching the President's" (*i.e.* Balmerino's) "confession to have sent the despatch to Pope and Cardinals without His Majesty's consent or commandment, I will not melle me with that, nor anything what it may merit. But because I assisted Mr. Edward Drummond in all that negotiation (thinking it to be to the King's weal and service) and communication of all the letters that were brought for that affair, I thought it expedient to inform you of the verity of all. There was nothing wrought in that negotiation which was not thought to be for the King's Majesty's service, which was to procure the Bishop of Vaison's advancement to the degree of Cardinal, to the end that His Majesty should have in the College of Cardinals one of his true and faithful subjects to advance His Majesty's service, and dash and stop that which might be to his prejudice ; and specially that they should not excommunicate His Majesty, or absolve his subjects from their obedience, as there was some at that time busy to procure it. . . . It was not given to understand to the Pope that the King's Majesty was in any disposition either to come [*sic*] or favour the Catholic religion, for the contrary was contained expressly in the letters, . . . saying that, albeit he remained constant in that religion

There is no difficulty in learning what James thought at this time on the subject of the toleration of the Catholics. In a letter written before his accession to the English throne, he expressed himself precisely as he afterwards did to his first English Parliament, that he was unwilling that the blood of any man should be shed for diversity of opinion in religion, but that he was also unwilling that the Catholics should become sufficiently numerous to oppress the Protestants. He would be glad that priests and Jesuits should be banished, and that all further spread of the religion might thus quickly be put a stop to without persecution.¹

Such an idea was not very practical, but it was at least the expression of a desire to escape from that miserable intolerance with which Europe in every corner was defiled.

In his effort to bring into existence a better order of society, James would receive no help from Elizabeth's ministers. In their opinion, the only reasonable way of dealing with Catholics was to keep them down, the laity by fine and imprisonment, and the clergy by the gallows. There was one amongst them, Sir Robert Cecil, who could teach James that the way to the throne of England did not lie in a secret understanding with the Catholics. Cecil had been, since his father Burghley's death, the leading statesman in Elizabeth's Government. He was in the enjoyment of the full confidence of his sovereign, and had been entrusted by her with the responsible office of Secretary. He saw clearly that it was necessary for England that James should succeed Elizabeth, and he saw also that James must be kept quiet, if he

in which he was nourished from his cradle, yet he would not be enemy or persecutor of the Catholics so long as they should remain faithful and obedient subjects unto him. As, indeed, His Majesty had ever done, until the horrible and barbarous conspiracy of the Gunpowder. For in Scotland, to them of our order who are holden the most odious, and persecuted to the death by the ministers, he did never use more rigour nor to banish them out of the country, and constrain their parents to oblige them under pain to cause them to depart."—W. Creighton to Sir A. Murray, Jan. 27, 1609; Botfield's *Original Letters relating to Ecclesiastical Affairs*, i. 180.

¹ *Correspondence of James VI. with Sir R. Cecil*, p. 36.

James's
opinion on
toleration.

1602.
James's
secret corre-
spondence
with Cecil
and others.

ere not to throw his chance away. He therefore took advantage of the presence of a Scottish embassy in London, to let James know that he was devoted to his service. A correspondence sprang up, which was kept secret from the Queen, in which he impressed on James the necessity of avoiding anything like impatience, and assured him that he would answer for his ultimate success. James, who had been prejudiced against Cecil by Essex, and had been led to believe that the secretary favoured the title of the Infanta, was overjoyed to find that he had gained such a supporter, and submitted for the remainder of Elizabeth's life to be guided by his counsels. This prudent conduct eventually found its reward. When the time came, James was welcomed from Berwick to the Land's End, with scarcely a dissentient voice.

of Robert Cecil. As Bacon said of him, he was *magis in operatione quam in opere*.

It was not altogether his own fault. His education had been against him. Like the Emperors who were born in the purple, he was unfortunately looked upon from his childhood as an hereditary statesman. He had never known what it was to be in opposition. He had never had the inestimable advantage of mixing with his countrymen as one who was unconnected with official position and official men. He was the first and greatest of that unhappy race of statesmen who were trained for their work as for a profession. If he had, like his father, known a time when the government had been conducted on principles which he detested, he might have risen into a clearer knowledge of the wants of the nation which he was called to guide. Even as it was, he never sank to the level of the Nauntons and the Windebanks, who were to follow.

James did not hesitate for a moment where to place his confidence. In after years he was in the habit of congratulating himself that he had not imitated Rehoboam in displacing the counsellors of his predecessor, and of those counsellors there was none to whom he owed so deep a debt of gratitude as he did to Cecil. His first thought on receiving intelligence of the Queen's death, was to express his thanks to Cecil for his careful attention to his interests. "How happy I think myself," he wrote, "by the conquest of so faithful and so wise a counsellor, I reserve it to be expressed out of my own mouth unto you."¹ The confidence which James thus bestowed was never withdrawn as long as Cecil lived.

Although the sphere of his vision was limited, within that sphere he was unrivalled by the statesmen of his day. As an administrator, he was unequalled for patient industry, and for the calm good sense with which he came to his conclusions. If he clung to office with tenacity, and if he regarded with undue suspicion those who were likely to be his rivals, he was no mere ambitious aspirant for place, to clutch at all posts the duties of which he was unwilling or unable to perform. The

¹ The King to Cecil, March 27. *Hatfield MSS.*, cxxxiv. 28.

Nor are we left to his own acts and words as the only means by which we are enabled to form a judgment of his character. Of all the statesmen of the day, not one has left a more blameless character than the Earl of Dorset. Dorset took the opportunity of leaving upon record in his will, which would not be read till he had no longer injury or favour to expect in this world, the very high admiration in which his colleague was held by him. Of all the statesmen who fell from power during the same period, it has been considered that none was more unjustly treated than Northumberland, and of this injustice the full weight has been laid upon Cecil's shoulders. Yet, a few months after Northumberland was committed to the Tower, his brother, Sir Alan Percy, declared his opinion in a private letter that the removal of Cecil from the Council would be a blow by which the position of the Earl would only be changed for the worse.¹

When the order was issued for stopping Raleigh's journey, Cecil probably thought that he had only done a justifiable act in keeping an unprincipled rival away from the King. Lord Henry Howard. But more than this was necessary. It was important that the Council should have someone by the King's side who might act for them as occasion might arise. For this purpose they selected Lord Henry Howard.

Of all who gathered round the new King, this man was, beyond all comparison, the most undeserving of the favours which he received. He was a younger son of that Earl of Surrey whose death had been the last of the series of executions which marked the reign of Henry VIII. ; and his brother, the Duke of Norfolk, had expiated upon the scaffold the treason which he had meditated for the sake of the fair face of the Queen of Scots. His nephew was that Earl of Arundel who had died in the prison in which he was confined by order of Elizabeth, and who was revered as a martyr by the English Catholics. His religion was that which openly or secretly had been the religion of his family. But with this he joined a reverence for the royal prerogative, which had certainly never been felt by his kinsmen. There were, indeed, men among the

¹ Sir A. Percy to Carleton, Sept. 4, 1606, *S. P. Dom.* xxiii.

who aspired to these positions. It was not till the sums which should have been applied to national purposes were squandered upon favourites of both nations that the discontent became general. Cecil did his best to put an end to these quarrels, but he did not meet with much success.

The evils under which the English Catholics laboured were of no ordinary description. In the first place, not only was ^{Grievances of the English Catholics.} ~~all~~ public celebration of their worship interdicted, ~~but~~ the mere fact of saying mass was sufficient to bring the priest under the penalties of treason, and those penalties were extended to all who should assist or 'comfort him,' as the law expressed it. As there were no Catholics who had not at some time or another been present at a mass, the power of the Government to send the whole number of them to execution was only limited by the difficulties of obtaining evidence. If they failed in this, the Ecclesiastical Courts could always issue an excommunication for simple recusancy, or abstaining from attendance upon the Church by law established, and upon this the Civil Courts were empowered to commit the recusant to prison until he submitted. Of course, these harsh measures were only very sparingly employed. But if the penalty did not fall upon all who were threatened, it was kept constantly hanging over their heads, and the Catholics were always liable to arbitrary imprisonments and fines, of which they did not dare to complain, as they were allowed to escape without suffering the full penalty of the law.

But, besides all this, there was a regular system of fines for recusancy authorised by statute. In the first place, all recusants who had sufficient property were liable to a fine ^{The recusancy fines.} of 20*l.* a month. Of those who were so liable at the death of Elizabeth the number was only sixteen. Those who could not pay such large sums forfeited, if the Government chose to exact the penalty, two-thirds of their lands until they conformed. This land was leased out by Commissioners appointed by the Crown for the purpose, and the lessee paid a certain rent into the Exchequer. There still remained another mode of reaching those who had no lands to lose, as the goods and chattels of any person convicted of recusancy might be

taken possession of by the Crown. Hard as this treatment was, it was made worse by the misconduct of the constables and pursuivants, whose business it was to search for the priests who took refuge in the secret chambers which were always to be found in the mansions of the Catholic gentry. These wretches, under pretence of discovering the concealed fugitives, were in the habit of wantonly destroying the furniture or of carrying off valuable property. It was useless to complain, as there were few, if any, Catholics who had not given the law a hold upon them by the support given to their priests.

Under such an abominable system, it is no wonder that the Catholics were anxious for any change which might improve their condition, and that they were hardly likely to acquiesce in the doctrine that they were only punished for treason, and not for religion. It was natural, therefore, that both the Pope and the English Catholics should look with hopefulness to the new reign. Both the declarations which James had made, and the manner in which he had acted in Scotland, made many of them expect to find a protector in him.

As Elizabeth's reign drew to a close, Pope Clement VIII., in response to the letter which had been brought to him by

Hopes of better treatment by James. Drummond, and which he believed to have emanated from James himself,¹ thought of despatching the Bishop of Vaison to Scotland.² In order, however,

Lindsay's mission to Scotland. to be thoroughly sure of his ground, he took advantage of a visit which Sir James Lindsay, a Scottish Catholic, was preparing to make to his native country, to sound James on his intentions towards the Catholics. Lindsay brought with him a complimentary letter from Clement to the King. He was also directed to assure James that the Pope was ready to thwart any designs which might be entertained by the English Catholics in opposition to his claim to the throne, and to invite him, if he would not himself forsake the Protestant faith, at least to allow his eldest son to be educated in the Catholic religion. If this

¹ See p. 80.

² James to Elizabeth, *Correspondence of Elizabeth and James VI.*, 153.

were done, Clement was ready to place a large sum of money at James's disposal.¹ To this message James returned a verbal answer, giving to Lindsay at the same time a paper of instructions for his guidance. In these he was directed to tell the Pope that 'the King could not satisfy his desire in those particular points contained in his letter.' He was much obliged to him for his offers to befriend him, and hoped to be able to return his courtesy. He would never dissemble his own opinions, and would never reject reason whenever he heard it.² Lindsay was prevented by illness from returning, and the Pope received no answer to his proposal till after the crisis had passed.³

The Pope, indeed, before he was aware of James's favourable intentions, had sent two breves to Garnet, the Provincial of the English Jesuits, in which directions were given that, as soon as Elizabeth died, the Catholics should take care that, if possible, no one should be allowed to succeed except one who would not only grant toleration, but would directly favour the Catholic religion.⁴ When Garnet

The breves
to the
English
Catholics.

¹ The King to Parry, Nov. 1603. The Latin letter sent to be communicated to the Nuncio is printed in Tierney's *Dodd*. iv. App. p. lxi. The draft in English is amongst the *Hatfield MSS.* 112, fol. 150. Compare Cranborne to Lennox, Jan. 1605, *S. P. France*. The proposal about Prince Henry's education had first been broached in the pretended commission of Pury Ogilvy.—*S. P. Scotland*. lviii. 81.

² Instructions, Oct. 24, 1602, *S. P. Scott*. lxix. 20. There can be no reasonable doubt that these instructions were actually given in Scotland.

³ In the spring of 1603 the Bishop of Vaison was in Paris. There is a curious account in a letter of the Laird of Indernyty to James (^{Jan. 20,} ^{Feb. 9,} 1603, *S. P. Scott*. lxix. 56, i.), of a conversation between himself, the Bishop, and the Nuncio at Paris. The Nuncio was doubtful as to James's intentions, and said 'he would suspend his judgment till Sir J. Lindsay returned.' This shows that no message had been sent by another hand upon Lindsay's illness, as would have been the case had James been anxious to win the Pope by hypocritical promises.

⁴ Garnet's examinations in Jardine's *Gunpowder Plot*, App. p. iii., throw back the date of the breves. Their language does not suit with an intention to allow James's claim, but the Pope may have desired to alter his language as soon as he knew what James's intentions were. There is a note written by the Pope in the margin of Degli Effetti's letter of ^{June 30,} ^{July 10,} 1603, in which it is suggested that Clement may have written letters before

received these breves, early in 1602, he was at White Webbs, a house frequented by the Jesuits, in Enfield Chase. He was there consulted by Catesby, Tresham, and Winter, men whose names afterwards became notorious for their connection with the Gunpowder Plot, as to the propriety of sending one of their number to the King of Spain, in order to induce him to attempt an invasion of England. Winter was selected, and though Garnet, according to his own account, disapproved of these proceedings, he gave him a letter of introduction to Father Cresswell, at Madrid. Winter found a good reception in Spain; but Elizabeth died before any preparations were made. Garnet either saw that there was no chance of resisting James, or was satisfied that the lot of the Catholics would be improved under his sceptre, and burnt the breves.¹ Another mission was sent to Spain, but the King was now anxious for peace with England, and would give no assistance.

Towards the end of 1602, or in the beginning of the following year, an attempt was made in another quarter to obtain a direct promise of toleration from James.

Letters of
Northum-
berland.

Northumberland did not care much about religion himself, but he was closely connected with several Catholics, who urged him to obtain a promise from the King that he would do something to improve their condition. He accordingly sent one of his relations, Thomas Percy, to James, with a letter, in which, after professing his own loyalty and giving him much good advice, he added that 'it were pity to lose so good a kingdom for not tolerating a mass in a corner.'² Percy, on his return, gave out that toleration had been promised by James. In the King's written answer to Northumberland,

Elizabeth's death to authorise assistance being given to a Catholic insurrection. In this note the Pope says: 'Non le habbiamo scritte nè a quel tempo nè a questo, anzi tutto il contrario.'—*Roman Transcripts, R. O.*

¹ Tierney's *Dodd*. iv. App. p. ii.

² *Correspondence of James VI. with Sir R. Cecil*, 56. The identification of this letter with the one sent by Percy rests partly upon James's description of the bearer in his answer (p. 61), and partly on a reference to that answer in Coke's speech at Northumberland's trial.

however, not a word is to be found referring to his proposal this subject.¹ Northumberland, who continued the correspondence, again pressed the matter upon the King. This time he received an answer. "As for Catholics," wrote James, "I will neither persecute any that will be quiet and give but an outward obedience to the law, neither will I spare to advance any of them that will by good service worthily deserve it."² It is plain that, though to a sanguine mind these words might seem to convey a promise of toleration, there was nothing in them really inconsistent with the deportation of every priest in England.

The ease with which James's title was acclaimed in England did something to raise doubts in his mind as to the value of the services which the Catholics had offered him. "Naught," he was heard to say, "we'll not need the Papist now."³ But on the whole the information which reached London was such as to reassure the Catholics. James had openly declared that he would not exact the fines. He would not make merchandise of conscience, nor set a price upon faith.

James continued to hold this language during his journey southwards. On May 3 he arrived at Theobalds, a house belonging to Cecil, not far from London. His first acts were such as to increase his popularity. He ordered that Southampton, and the remainder of those who had been imprisoned for their share in the rebellion of Essex, should be set at liberty. Four days after his arrival he issued a proclamation concerning those monopolies which still remained in force, commanding all persons to abstain from making use of them till they could satisfy the Council that they were not prejudicial to the King's subjects. The patentees were accordingly allowed to state their case before the Council, and the greater part of the existi-

¹ Unless, indeed, as Coke said, James meant to refuse it when he said that he did not intend to make 'any alteration in the state, government, laws.' From the place which this sentence occupies in the letter, I do not think that it was intended to bear any such meaning.

² Degli Effetti to Del Bufalo, June $\frac{16}{26}$, *Roman Transcripts, R. O.*

³ Tierney's *Dodd*. iv. App. p. 1.

monopolies were called in. No doubt this was done by the advice of the Council. That advice was also given in support of the continued exaction of the Recusancy fines, and James accordingly gave way and ordered the fines to be collected. If the Catholics, he said openly, were of a religion different from his own, they could not be good subjects.¹ Cecil was now in high favour.

The recusancy fines to be collected.

May 13. Cecil raised to the peerage.

On May 13 he was raised to the peerage by the title of Lord Cecil of Essendon. Three other barons were created at the same time. These were the first of a series of creations which raised the numbers of the House of Lords with a rapidity that would have astonished Elizabeth.

Having, at all events for the present, refused toleration to the Catholics, James turned his attention to his foreign relations.

Peace or war with Spain.

As far as England was concerned, with the exception of the disputed right to trade in the East and West Indies, there was absolutely no reason whatever for continuing the war. The failure of the Spaniards in their attempt to gain a footing in Ireland before Elizabeth died had been complete, and they could no longer cherish any hopes of success in a similar undertaking. Their new king, Philip III., sluggish and incapable as he was, was not likely to attempt to renew his father's aggressive policy, and it was known that his all-powerful minister, Lerma, was anxious to recruit by peace the exhausted strength of the kingdom. Under these circumstances there wanted little more to constitute a treaty between the two Powers than the few lines in which the simple announcement might be made that hostilities were at an end.

The difficulty which stood in the way was caused by the interminable war in the Netherlands. Since the murder of the French king' Henry III. the Dutch had taken advantage of the diversion which had called away the best generals and the finest soldiers of Spain to spend their strength in a vain struggle against the rising fortunes of Henry IV., and had pushed on, under the able leadership of

The war in the Netherlands.

¹ Degli Effetti to Del Bufalo, June $\frac{13}{23}$, *Roman Transcripts*, R.O.

now tasted for no less than
military skill, Spinola was st
But the Dutch were calling lo
that, unless succour were prom
in spite of the valour of its def
Ostend their own territory woul

There was a large party in l
fight the quarrel out with Spain.

was the accursed powe
nents with bloodshed.

**The war
party in
England.** Pope, and of all the ty
which the world was suffering.

weakened by repeated failures.

blow for the cause of God, and hew

feelings found a spokesman in Ra

in the course of the spring, he d

James, he argued with his usual abi

Especially, he pleaded strongly for t

allies of England in the weary ho

Together the two countries had be

It was disgraceful—it was infamou

their brothers now that hope was

long afterwards Raleigh offered to

King of Spain at his own expense.¹

Of the spirit of righteous

the Elizabeth

ertures which he expected from the Court of Spain. Besides his eagerness for peace, he was possessed with the idea that the Dutch were engaged in an unlawful resistance to their law-making, an idea in which the bishops did their best to confirm him.¹ He was never weary of repeating publicly, to the disgust of the statesmen who had taken part in the counsels of Elizabeth, that the Dutch were mere rebels, and that they deserved no assistance from him.

It is difficult to ascertain with precision what Cecil's views really were. His father had been the advocate of a policy of peace. When Essex, at the Court of Elizabeth, was crying out for war, the aged Burghley opened a Bible, and pointed to the text: "Bloody and deceitful men shall not out half their days." Of the memorial on the state of foreign affairs² which Burghley's son now presented to the King, and in which he expressed his thoughts on foreign affairs, a fragment only has been preserved. From that fragment, however, it is plain that he fully shared all Raleigh's dislike of Spain, and that he was anxious, by all possible means, to check the progress of the Spanish arms in the Netherlands. But he looked at the whole subject with the eye of a statesman. The lost portion of the memorial probably contained the reasons why it was impossible for England to continue hostilities. He knew, Elizabeth had known, that England could not bear many more years of war. Parliament had voted supplies with no ordinary alacrity, but even these supplies had only relieved the Queen from the necessity of raising money by extensive sales of Crown property, and by contracting loans which were waiting for a speedy repayment. The revenue of the Crown was decreasing, and with the very strictest economy it was impossible for the new King to bring even a peace expenditure within the limits of that revenue which he had inherited from his predecessor. If Spain was to be driven out of the Netherlands, Parliament must be prepared to vote supplies far larger than they had ever granted to Elizabeth, in times when England itself was in danger.

¹ The King to Abbot. Wilkins's *Conc.* iv. 405.

² *S. P. Dom.* i. 17.

practicable, was the union
 provinces under an independent
 strong enough to bid defiance
 Such a scheme has always for
 statesmen. But in 1603, the
 with even less success than in
 shortly before his death, take
 facilitate such a settlement.
 reign of the Netherlands to
 her husband the Archduke A
 Emperor Rudolph II. He ho
 styled them, would be ready to c
 though they were unwilling to tr
 the Dutch had felt any inclinatio
 Sovereign, there were especial reaso
 accepting the dominion of the A
 wife were called. Their sovereign
 many conditions, and the present
 seat of war reduced them to such
 was almost a mockery to speak of
 Besides, no children had been born
 reversion of their rights was vested
 The Dutch had another plan

¹ This is undoubtedly the
 with France

under one government. Let but France and England make one great effort, and in the course of a year not a single Dutch soldier would be left in the Netherlands.

Is this a policy which an English Government would be likely to carry out, certain as it was to try the energies of the nation to the utmost? The dull, demoralising tyranny of the eighteenth century had done its work too well. To form a union which should include the Spanish Provinces would be to revive the fable of the old Italian tyrant, and to bind the living to the dead. This was no work for which England was prepared to exhaust her strength.

The true policy of England undoubtedly lay in another direction. If it were once understood that no peace would be made unless the independence of the existing republic were preserved, Spain would certainly submit to the proposed terms. The North would retain its liberty, the paralysed South would slumber on under the despotism which it had been too weak or unwilling to shake off.

It was not the fault of the English Government that this important settlement was postponed through so many years of the Dutch war. The first embassy which arrived in England to

congratulate the new King upon his accession was from Holland. Barneveld himself had come to see if any peace could be obtained from James. Cecil told him plainly that the King desired peace, but that he was ready to consider the views of the States in the negotiation. The Dutch ambassador answered that peace with Spain was impossible for them.

No wonder that after all the trickery which they had practised, they should feel a dislike to enter upon a treaty with their enemy, but they can hardly have expected James to engage himself in an interminable war. Their immediate purpose was, however, to obtain succour for Ostend. Barneveld had already made an impression upon the susceptible mind of the King, and was, perhaps, the first who induced him to doubt the truth of the sweeping condemnations which he had been accustomed to pass on the cause of the Dutch. He was told, however, that nothing could be finally settled till the arrival of a French embassy which was expected shortly from France.

The ambassador who had been chosen by Henry IV. was the celebrated Rosny, better known to us by his later title as the Duke of Sully. His main object in coming was to induce James to afford some succour to Ostend.

Rosny's mission from the King of France.

About the time of his arrival in England, a circumstance occurred which was more favourable to his design than any arguments which it was in his power to use. A priest named Gwynn¹ was taken at sea, and confessed to his captor that his intention in coming to England was to murder the King. The readiness with which he gave this information gives cause for a suspicion that he was not in the full possession of his senses. However this may have been, it was, at least, certain that he came from Spain, and the fright which this affair caused the King, predisposed him to listen to Rosny's stories of Spanish treachery.²

On the occasion of Rosny's first presentation to James, a curious incident took place. He had come prepared to put himself and his suite into mourning for the late Queen. Just as he was about to leave his apartments, he was informed that the King would be better pleased if he did not come in mourning.³ There was nothing for it but to submit. The Frenchmen drew their own inferences as to the repute in which the great Queen was held at the court of her successor. Many months were not to pass

Rosny requested not to appear in mourning.

¹ Cecil to Parry, May 25, *Cott. MSS.* Cal. E. x. 59. Rosny to the King of France, June 24, *Econ. Roy.* iv. 329.

² Cecil to Parry, June 10, *S. P. Fr.* St. Aubyn to the Council, June 6. Godolphin and Harris to the Council, June 23, 1603, with enclosures, *S. P. Dom.* ii. 3, 15.

³ James seems to have had a general dislike to anything which reminded him of death. When his son Henry was dying he left London rather than be present at the death-bed. He did not allow many weeks to pass after the death of his queen, in 1619, before he threw off his mourning, to the astonishment of the ambassadors, who had come prepared to offer their condolences. Taken separately, each of these circumstances has been interpreted as a sign of the King's feelings in the particular case. But it is more probable that his conduct was the result of a weakness which occasionally shows itself in feeble minds.

away before James would speak more reverently of Elizabeth than he was, at this time, accustomed to do. Unfortunately, when that time came, it was chiefly the errors in her policy which attracted his respect.¹

Rosny's instructions authorised him to use all means in his power to induce James to unite with France and the Dutch

Republic in opposing the designs of Spain. Henry

Rosny's instructions. IV. was not indeed prepared at once to embark on a war with his powerful neighbour ; but he was desirous of giving a secret support to the Dutch, and he hoped that James might be induced to pursue a similar course. If, however, it should happen that James preferred to continue the war, Rosny was to discuss the best means of carrying it on, without coming to any final resolution. He was also to propose that the alliance between the two Crowns should be strengthened by a double marriage—of the Dauphin with James's only daughter, the Lady Elizabeth ; and of Prince Henry with Elizabeth, the eldest daughter of the King of France.²

After some little time had been spent in negotiations, Rosny obtained from James some part of that which he had been commissioned to demand. James promised to allow

June.
Treaty with
France.

the levy of soldiers in England and Scotland for the defence of Ostend, but it was agreed that Henry should defray the expenses of this force, though a third part of the cost was to be deducted from a debt which he owed to the English Government.³ With respect to the double marriage nothing was settled. James, on one occasion, drank to the success of the future union ; but all the four children were still very young, and there was no necessity of coming to any immediate decision.

On July 21 two members of the Privy Council were raised to the peerage. The Lord Keeper Egerton, who was now dignified with the higher title of Chancellor, became Lord

¹ Barlow tells us that at the Hampton Court Conference James never mentioned Elizabeth's name without adding some respectful title. He does not appear to have relapsed into his previous misplaced contempt.

² Sully, *Econ. Roy*, Col. Petitot, iv. 261.

³ Dumont, *Corps Diplom.* v. part 2, p. 30.

Ellesmere ; and Lord Thomas Howard, who, as well as his uncle Lord Henry, had been admitted to the Council, ^{Creation of peers.} created Earl of Suffolk. He had served with distinction at sea in many of the naval expeditions which had been sent forth during the latter years of the late reign. He was known as a well-meaning, easy-tempered man, of moderate talents. It is possible that Lord Henry's known attachment to the religion of his father¹ may have influenced James in selecting the nephew rather than the uncle as the first recipient of such honours amongst the family of the Howards. It was not till some months later that Lord Henry was raised to the peerage. The young head of the family, too, received back his father's lost honours, and the name of the Earl of Arundel was once more heard amongst those of the English nobility.

During the month of July the Council was busy in tracking out a Catholic conspiracy which had come to light. Among the Catholics who had visited James in Scotland ^{Watson's visit to James.} before his accession to the English throne, was William Watson, one of the secular priests who had been very busy in his opposition to the Jesuits, and had taken a considerable part in the strife which had divided the English Catholics during the last years of Elizabeth's reign. A vain, unwise man, his predominant feeling was a thorough hatred of the Jesuits. "He received," as he tells us, "a gracious and comfortable answer on behalf of all Catholics known to be loyal subjects."² Armed with this promise, and probably exaggerating its meaning, he had busied himself in persuading the Catholic gentry to whom he had access to support James's title, and to turn a deaf ear to the machinations of the Jesuits ; and he flattered himself that it was owing to his influence that

¹ Strictly, not the religion of his father, which was the Anglo-Catholicism of the reign of Henry VIII., with perhaps a feeling that the Catholicism of Rome was the only complete form in which it was possible to embrace the system. Lord Henry accepted the papal authority, though he attended Protestant service.

² The most important part of the confessions upon which this narrative rests is published in Tierney's *Dodd*. iv. App. 1. Some further particulars will be found in Beaumont's despatches.

ll over England the Catholics were among the foremost who supported the proclamation which announced the accession of the new King.

After James had been proclaimed, Watson set himself to counteract the intrigues which he believed the Jesuits to be carrying on in favour of Spanish interests. The resolution of James to exact the fines was regarded by him almost in the light of a personal insult. He would become the laughing-stock of the Jesuits, for having believed in the lying promises of a Protestant King. His first thought was to gain favour with the Government by betraying his rivals. But he knew nothing of importance ; and, at all costs, he must do something, it mattered not what, by which he might outshine the hated Jesuits. Shortly after he had formed this determination he fell in with another priest named Clarke. They discussed their grievances together with Sir Griffin Markham, a Catholic gentleman, who was, for private reasons, discontented with the Government, and with George Brooke, a brother of Lord Cobham, who, although he was a Protestant, had been disappointed by not obtaining the Master-ship of the hospital of St. Cross, near Winchester.

While they were talking these matters over, Markham made he unlucky suggestion that the best way to obtain redress would be to follow the example which had so often been set by the Scottish nation. The Scots, as was well known, were accustomed, whenever they were unable to obtain what they wished for, to take possession of heir King, and to keep him in custody till he consented to give way. It was immediately resolved to adopt this preposterous scheme. But before such a plan could be carried into execution it was necessary to devise some means of rendering it palatable to those whom they sought to enlist in their cause. They knew that all Catholics who would be willing to take arms against the King were already under the influence of the Jesuits. To obviate this difficulty it was gravely proposed that a number of persons should be collected together under pretence of presenting a petition for toleration to the King ; and it was hoped that, when the time

Watson's
anger at the
exaction
of the fines.

Markham
advices the
seizure of the
King.

Plans of the
conspirators.

came for action, the petitioners would be ready to do as they were bidden by the leaders of the movement. All who signed the petition were to swear that they would endeavour 'by all 'lawful means to restore the Catholic faith again in' the 'country, to conserve the life of' their 'Sovereign in safety, and to preserve the laws of' the 'land from all enemies.' They were to be bound to divulge nothing without the consent of twelve of the principal promoters of the petition. Watson afterwards acknowledged that this clause was a mere trick to bind them to complete secrecy. As the number of the chief promoters was less than twelve, such a consent could never be obtained.

With these views, Watson and his confederates dispersed themselves over the country. They expected to be able to collect a large body of men in London on June 24. These men would, as they hoped, be ready to follow their lead in everything. In order to bring together the requisite numbers, Watson was by no means sparing of falsehoods. The timid were encouraged by hearing of the thousands who were engaged in the affair, or of the noblemen who had already given in their adhesion. All, or almost all, were left under the impression that they were required to join only in the peaceful presentation of a petition.

In the early part of June, Watson, who had now returned to London, proceeded to mature his plans with the help of Markham and of a young man named Copley who had lately been admitted to his confidence. Strange to say, Brooke introduced to the plotters Lord Grey of Wilton, a hot-headed young man of high character and decided Puritanism. Grey was at that time sadly discontented at the extension of James's favour to Southampton and to others of the followers of Essex, who were his bitter enemies; and he was induced without difficulty to join in the plan for presenting a petition to James for a general toleration. Though no absolute certainty is attainable, it is probable that he was drawn on to assent, at least for a time, to the scheme for forcing the petition on James. The relation between him and the other conspirators was, however, not one to endure much

Lord Grey
of Wilton
listens to
them.

straining. Before long Watson was considering how he might get credit for himself and the Catholics, by employing Grey to seize the King, and then rescuing James from his grasp when the struggle came. Grey, on the other hand, shrank from the co-operation of his new allies, and under pretext of postponing the scheme to a more convenient opportunity, drew back from all further connection with it.

As the time for executing the scheme approached, Brooke seems to have drawn off. The plan of the confederates, indeed, was wild enough to deter any sober man from joining it.

They determine to surprise the King.

They intended to seize the King at Greenwich, on June 24. As soon as this had been effected, they were to put on the coats of the King's guards and to carry him to the Tower, as though he were going there voluntarily. When they arrived at the gate they were to tell the Lieutenant that the King was flying for refuge from traitors. They took it for granted that James would be too terrified to say what the real state of the case was, and they do not seem to have imagined that the mistake could be detected in any other way. Once within the Tower, the whole kingdom would be at their feet. They would compel the King to put into their hands the forts of Berwick, Plymouth, and Portsmouth, the castles of Dover and Arundel, and any other places which they might think fit to ask for. He was to give hostages for the free use of their religion, and to consent that Catholics should have equal place, office, and estimation with Protestants in council, at court, and in the country, and that the penal laws should at once be abrogated.¹

Watson, intoxicated with the success which his fancy pictured to him, began to talk wildly about 'displacing Privy Councillors, cutting off of heads, and getting the broad seal into his hands.'² He had already distributed the chief offices of state:³ Copley was to be Secretary; Markham to be Earl Marshal; he himself was to be Lord Keeper. Even Copley

¹ Articles for Grey's defence, Nov. (157), *S. P. Dom.* iv. 81; Edwards' *Life of Raleigh*, i. 345, 350; Tierney's *Dodd.* iv. App. p. 1.

² Copley's Confession, July 14, Tierney's *Dodd.* iv. App. p. x.

³ Watson's Confession, Aug. 10, Tierney's *Dodd.* App. p. iv.

was unable to swallow this, and suggested that, at least under present circumstances, it would cause discontent if a priest were again seen presiding in Chancery, though he hoped that the times would soon return when such things might again be possible. Watson refused to listen to such an objection.

If, however, contrary to expectation, the King declined to follow their directions, he was to be treated with consideration, but to be kept a close prisoner till he granted their demands.¹ Many noblemen would be confined with him, and from time to time 'some buzzes of fear' might 'be put into their heads,' in order that they might, in their turn, terrify the King. Watson proposed that, if James still held out, he should be deposed. Copley refused to assent to such a measure, and this point seems never to have been settled amongst them.

Copley
hopes to
convert the
King.

Whilst this question was under discussion, it occurred to Copley that it would be well to make use of the time during which the King would be in the Tower, to attempt his conversion. No doubt he would readily catch at an opportunity of displaying his theological knowledge in a public disputation. If, as was more than probable, he still declared himself unconvinced, his mind might be influenced by a trial of the respective powers of exorcism possessed by a Catholic priest and a Protestant minister, which was sure to end in the triumph of the former. Watson objected that James would certainly say that the person exorcised had only been labouring under a fictitious malady; he might also charge the successful exorcist with witchcraft, or even refuse to be present at all at such a trial. Copley answered that in that case they might fall back upon the old method of deciding quarrels, by trial by battle. Watson doubted whether it would be possible to find a champion. Upon this, Copley offered himself to undertake the combat, 'provided that it might be without scandal to the Catholic Church, upon the canon of the Council of Trent to the contrary of all duellums; and I choose the weapons, not doubting but my wife, who by the sacrament of matrimony is individually interested in my person, would (for being a

¹ Copley's Answer, Aug. 1, Tierney's *Dodd*. App. p. vii. note 2.

Catholic, and the cause so much God's) quit at my request such her interest for a time, and also much less doubting but to find amongst the host of heaven that blessed Queen, his Majesty's mother, at my elbow in that hour !”

One evening, Markham came in with the news that the King intended to leave Greenwich on the 24th. They would therefore be compelled to alter their plans. He was to sleep at Hanworth on his way to Windsor. Markham said that a body of men might easily seize him there, if they took ‘every man his pistol, or case of pistols.’ Copley asked where either the men or the pistols were to be found. Markham was struck dumb by the inquiry, muttered something about another plan, and left the room.

On the 24th, Watson's lodgings were crowded with Catholics who had come up from the country to join in presenting the petition. But their numbers were far too small to carry out the design which the heads of the conspiracy really had in view, and the day passed over without a finger being stirred against the King. The next day Markham brought them the unwelcome news that Grey had refused to have any further communication with them. Many hours had not passed before they heard rumours that the Government was aware of their plot. The whole party fled for their lives, to be taken one by one in the course of the following weeks. So utterly futile did the whole matter appear even to those who were engaged in it, that Copley and Markham decided upon putting themselves at the disposal of the Jesuits, thinking that they alone had heads clear enough to conceive any effectual scheme for the liberation of the oppressed Catholics.

The Jesuits knew more about the plot than the conspirators were aware of. Some time before the appointed day arrived, Copley, uncertain whether the scheme were justifiable or not, had written to Blackwell, the Archpriest, who had been entrusted by the Pope with the charge of the secular clergy in England, to ask his advice, and he had also acquainted his sister, Mrs. Gage, with the fact that he had

written such a letter.¹ Both Blackwell and Mrs. Gage were on the best terms with the Jesuits, and the information was by one or other of them conveyed to Father Gerard.

Gerard passed the knowledge on to Garnet as his superior. Between Gerard and Garnet a closer tie existed than that which ordinarily bound a Jesuit to his superior. When Gerard, who was one of the most persuasive of the Catholic missionaries, was thrown into the Tower, he had borne sore tortures rather than reveal the hiding-place of Garnet. When Gerard succeeded in making his perilous escape by swinging himself along a rope suspended over the Tower ditch, it was with Garnet that he first sought refuge.² The two friends were of one mind in wishing to discountenance the plot. Something, no doubt, of their resolution is due to the hostility of their order to the priests by whom it was conducted; but it must be remembered that at present the whole weight of the Society and of Pope Clement himself was thrown into the scale of submission to the King. They still hoped much from his readiness to listen to reason, and they were by no means ready to abandon their expectation of toleration because he had exacted the fines on one occasion.³ Gerard, at first, contented himself with warning the conspirators to desist; but when he found his advice disregarded, he sent a message to the Government informing them of the whole conspiracy. The message, it was true, was never delivered, but this was merely because a similar communication had already been made⁴ by a priest named Barneby, who was a prisoner in the Clink, and who, by Blackwell's directions, had given information to the Bishop of London, in order that he might pass it on to Cecil.⁵

The discovery of the plot by the Catholics themselves had all the consequences which the Jesuits had anticipated. On

¹ Copley's Declaration, Tierney's *Dodt.* iv., App. p. iv.

² Morris, *Life of Gerard*, 298.

³ This may be positively asserted to have been the case, on the evidence of the letters amongst the *Roman Transcripts*, R. O.

⁴ Gerard's Narrative in Morris's *Condition of Catholics*, 74.

⁵ Degli Effetti to Del Bufalo, $\frac{\text{June } 30.}{\text{July } 10.}$ July $\frac{13.}{23.}$

Garnet and Gerard.

1597.

June, 1603.

Gerard ready to betray the plot.

June 17 James confidentially acquainted Rosny with his purpose of remitting the Recusancy fines.¹ Yet it was not without hesitation that James carried out his intention. Sometimes his mind dwelt more on the Catholics who had formed the plot than on those who had betrayed it. He would be very glad, he informed Rosny, to be on friendly terms with the Pope, if only he would consent to his remaining the head of his own Church. He told Beaumont, the resident French Ambassador, that, in spite of his kindness to the Catholics, they had sought his life. Beaumont replied that the conspirators were exceptions amongst a generally loyal body, and that if liberty of conscience were not allowed, he would hardly be able to put a stop to similar plots.² James was convinced by the Frenchman's reasoning.

On July 17 a deputation of the leading Catholics was heard by the Council in the presence of the King. Their spokesman was Sir Thomas Tresham, a man familiar with imprisonment and fine. "I have now," he had written a short time previously to Lord Henry Howard, 'completed my triple apprenticeship of one and twenty years in direct adversity, and I shall be content to serve a like long apprenticeship to prevent the foregoing of my beloved, beautiful, and graceful Rachel ; for it seems to me but a few days or the love I have to her.'³ James listened to the pleading of the noble-hearted man, and yielded. He assured the deputation that the fines should be remitted as long as they behaved as loyal subjects. If, he added, the Catholics would also obey the law, the highest places in the State should be open to them. In other words, if they could be as base as Howard, they should sit at the Council-table, and take part in the government of England.⁴ Howard, in James's language, was the tame duck by whose help he

¹ *Econ. Roy*, iv. 370.

² Beaumont to Henry IV., July $\frac{13}{23}$, *King's MSS.* 123, fol. 327 b.

³ Jardine's *Gunpowder Plot*, 10.

⁴ Degli Effetti to Del Bufalo, July $\frac{21}{31}$, *Roman Transcripts*, R. O.

hoped to catch many wild ones. It was evident that he had not faced the problem fairly. There were thousands of Catholics in England who resembled Tresham more than Howard, and no remission of fines was likely to be lasting if it was based on the misapprehension that toleration was only a step to a hypocritical conversion.

For the present, however, the Catholics enjoyed unaccustomed peace. The 20*l.* fines ceased at once. With the lands of which two thirds had been taken there was more difficulty, as there were lessees who had a claim on the property. Probably, however, the lessees were often friends of the owners, and in such cases there would be little difficulty in coming to an arrangement. At all events the income accruing to the Crown from this source was enormously diminished.¹

The Catholic problem pursued James even in his own family circle. When, on July 25, the ceremony of the coronation took place at Westminster, Anne of Denmark consented to receive the crown at the hands of a Protestant Archbishop; but when the time arrived for the reception of the Communion she remained immovable on her seat, leaving the King to partake alone. Anne, however, was not of the stuff of which martyrs are made. Enthusiastic Catholics complained that she had no heart for anything but festivities and amusements, and during the rest of her life she attended the services of the church sufficiently to enable the Government to allege that she was merely an enemy of Puritanical strictness.²

For the present James was the more inclined to treat the Catholics well, because he had learnt that another plot was in existence in which Protestants were concerned. Brooke's participation in Watson's conspiracy had been discovered by means of the examination of the prisoners, and as soon as Cecil had learned that, he naturally suspected that Brooke's brother, Cobham, had had a hand in the mischief. In order to obtain information against Cobham, Raleigh was summoned before the Council at Windsor. There is no reason

¹ *Receipt-Books of the Exchequer.*

² Degli Effetti to Del Bufalo, Aug. $\frac{1}{11}$, *Roman Transcripts, R. O.*

to suppose that Cobham had more than a general knowledge of Watson's doings, and of these Raleigh was unable to speak. Shortly after this examination, however, Raleigh wrote to Cecil, informing him that he believed that Cobham had dealings with Aremberg, the ambassador who had lately come over from the Archduke, and that he carried on his communications by means

Cobham and
Raleigh
arrested.

of an Antwerp merchant, named Renzi, who was residing in London. In consequence either of this letter or of Brooke's confession, Cobham was arrested.

On July 17,¹ the very day on which the Catholic deputation was before the Council, Raleigh himself became suspected and was committed to the Tower.

The truth of the story, which came out by degrees, will, in all probability, never be completely known. It would be labour in vain to build upon Cobham's evidence. He had no sooner stated a fact than he denied it. The only point which he succeeded in establishing was the undoubted fact that he was himself a most impudent liar. On the other hand, it is impossible to place implicit confidence in Raleigh's story, for though his veracity is unimpeachable by the evidence of such a man as Cobham, it cannot be denied that he made statements which he must have known at the time to be false. Whatever may be the truth on this difficult subject, there is no reason to doubt that Cecil at least acted in perfect good faith.² There was enough evidence to make Raleigh's innocence doubtful, and under such circumstances, according to the ideas of those times, the right course to take was to send the accused before a jury. Cecil's whole conduct during this affair was that of a man who looked upon Raleigh, indeed, with no friendly eye, and who believed that he was probably guilty, but who was desirous that he should have every chance of proving his innocence.³

¹ Extract from the journal of Cecil's secretary, *Add. MSS.* 6177.

² Beaumont's opinion that he acted through passion is often quoted against him, but the French ambassador had had too many diplomatic conflicts with Cecil to judge him fairly.

³ Mr. Tytler, in his *Life of Raleigh* (Appendix F), endeavoured to prove that the whole conspiracy was a trick got up by Cecil. He first quoted

The evidence upon which the Privy Council acted was obtained from various sources. It appeared that there was a general impression among the participators in Watson's plot, which they had derived from Brooke's information, that both Cobham and Raleigh were engaged in intrigues for the purpose of dethroning the King, apparently with the object of placing Arabella Stuart upon the throne. It was also said that Cobham had talked of killing 'the King and his cubs.' This latter statement was afterward denied by Brooke on the scaffold. He had, however, undoubtedly mentioned it to Watson. The discrepancy may either be explained by supposing that he did so with the view of driving Watson more deeply into the plot, or, as is more

Evidence
against
them.

the long letter of Lord Henry Howard, printed in Raleigh's Works (viii. 756), as evidence that about 1602 Howard wrote to Cecil a letter containing 'an outline of the plan afterwards put in execution, for the destruction of Cobham and Raleigh, by entrapping them in a charge of treason.' Mr. Tytler acknowledged that it was not certain that it was written to Cecil at all. But even supposing that it was, which is perhaps the most probable explanation, it is unfair to infer that Cecil partook in Howard's methods of attacking their common rivals. It is still more to the purpose to show that the letter in question contains no scheme such as was discovered in it by Mr. Tytler. It is plain, upon reading the complete passages from which he has made extracts, that Howard did not propose to entrap Raleigh and Cobham in a charge of treason, but to lead them to take part in difficult business, where they would be sure to make mistakes which might afford an opportunity of pointing out their defects to the Queen. This is miserable enough, but it is not so bad as the other recommendation would have been, nor is there any warrant for supposing that even this met with Cecil's approbation.

Mr. Tytler's second proof was founded on a letter of Brooke's, written on November 18, 1603, in which he says the following words: "But above all give me leave to conjure your Lordship to deal directly with me, what I am to expect after so many promises received, and so much conformity and accepted service performed on my part to you." From this he inferred that Cecil had used Brooke to act as a spy, and had abandoned him. Is it likely that if this had been the case Brooke would not have used stronger expressions, or that Cecil would have dared to send him to the block, knowing that he had it in his power to expose the infamy of such conduct? Brooke may very well have rendered services in past days to Cecil and received promises of favour in return.

likely, that he denied the story on the scaffold, in hopes of benefiting his brother. Whatever this conspiracy may have been, the priests knew nothing of its particulars. Brooke, however, distinctly stated that his brother had, before Aremberg's arrival, entered into communication with him, and had offered to help in procuring the peace which his master had so much at heart, if he would place at his disposal a sum of five or six hundred thousand crowns, which he would employ in gaining the services of different discontented persons.¹ A portion of this money was certainly offered to Raleigh, though, according to his own account, which there is no reason to doubt, he immediately refused it.² Aremberg promised to send the money to Cobham, and requested to know how it was to be transmitted, and in what manner it was to be distributed.

Cobham obtains the promise of money from Aremberg.

On Aremberg's arrival, Cobham sought him out. Whether his designs had been already formed, or whether they grew in his mind after conversation with the ambassador, is uncertain. At all events, he seems at this time to have entertained the idea of assisting Arabella to the crown, and of course also of seeing Cecil and the Howards beneath his feet. He commissioned his brother to engage her to write to the Infanta, the Duke of Savoy, and the King of Spain, in hopes of inducing them to support her title.³

He declares for Arabella Stuart's right to the throne.

In spite of Brooke's refusal, Cobham continued to negotiate with Aremberg, either with a view of inducing him to countenance this scheme, or in hopes of obtaining money which might be employed to distribute amongst persons who would use their influence in procuring the peace of which the King of Spain was so desirous. He even offered to undertake a mission to Spain in order to induce the King to listen to his proposals.

As these projects were gradually disclosed, the suspicions against Raleigh became stronger in the minds of the members of the Government. It was known that he had too good reasons to be discontented. He had been persuaded or

¹ Brooke's Confession, July 19, *S. P. Dom.* ii. 64.

² Raleigh's Examination, Aug. 13, *Jardine's Crim. Trials*, i. 425.

³ Brooke's Confession, July 19, *S. P. Dom.* ii. 64.

compelled to resign his Wardenship of the Stannaries, and when the monopolies were suspended for examination, his lucrative patent of wine licences¹ was amongst those which were called in question. Durham House, which he had held for twenty years, had been claimed by the Bishop of Durham, and the lawyers who were consulted having given an opinion in the Bishop's favour, Raleigh had been ordered with unseemly haste to leave the house.² Altogether, he had lost a considerable part of his income, and such a loss was certainly not likely to put a man in good humour with the Government which had treated him so harshly. At the same time, it was well known that he was Cobham's greatest if not his only friend, and that they had for some years been engaged together in political schemes. Was it probable, it might be argued, that a man like Cobham, who had informed his brother of part, at least, of his design, should have kept his constant companion in ignorance? This reasoning had induced Cecil to send for Raleigh at Windsor. It must have received additional weight as soon as the Government heard that, after Raleigh had left them, he wrote a letter to Cobham, assuring him that he had 'cleared him of all,' and accompanied it with a message that one witness (by which he probably meant Brooke) could not condemn him.³ It was undoubtedly suspicious. It was just such a message as would have been sent by one accomplice to another, in order to procure his silence. Cobham too, when the letter was shown him which Raleigh had written denouncing his intercourse with Aremberg, broke out into a passion, and declared that all that he had done had been done at Raleigh's instigation. His evidence, however, was invalidated by the fact that he afterwards retracted it on

¹ The wine licences were finally declared to be no monopoly; but, Raleigh having lost them by his attainder, they were granted to the Lord Admiral, the Earl of Nottingham.

² Egerton Papers, *Camd. Soc.* 376.

³ Raleigh on his trial denied sending this message. But Keymis, who was the messenger, declared that he had carried it, thus corroborating Cobham's evidence. A man who 'endeavoured still to transfer all from his master to himself' was not likely to have invented this.—Waad to Cecil, Sept. 2, 1603, *S. P. Dom.* iii. 52.

his way from his examination, it was said, as soon as he reached the stair-foot.

Raleigh's health suffered extremely during his imprisonment ; in all probability from mental rather than from physical

July. causes. In less than a fortnight after his arrest, his spirits had become so depressed that he allowed himself to make an ineffectual attempt at self-destruction.

His attempted suicide.

The letter in which he took, as he supposed, a farewell of his wife, in one of the most touching compositions in the English language. He could not bear, he said, to leave a dishonoured name to her and to his son, and he had determined not to live, in order to spare them the shame. He begged her not to remain a widow ; let her marry, not to please herself, but in order to obtain protection for her child. For himself he was 'left of all men,' though he had 'done good to many.' All his good actions were forgotten, all his errors were brought up against him with the very worst interpretation. All his 'services, hazards, and expenses for his country,' his 'plantings, discoveries, fights, counsels, and whatsoever else' he had done, were covered over by the malice of his enemies. He was now called 'traitor by the word of an unworthy man,' who had 'proclaimed him' to be a partaker of his vain imaginations, notwithstanding the whole course of his life had 'approved the contrary.' "Woe, woe, woe," he cries, "be unto him by whose falsehood we are lost ! He hath separated us asunder ; he hath slain my honour, my fortune ; he hath robbed thee of thy husband, thy child of his father, and me of you both. O God ! thou dost know my wrongs ; know then thou, my wife and child ; know then thou, my Lord and King, that I ever thought them too honest to betray, and too good to conspire against. But, my wife, forgive thou all, as I do ; live humble, for thou hast but a time also. God forgive my Lord Harry,¹ for he was my heavy enemy. And for my Lord Cecil, I thought he would never forsake me in extremity ; I would not have done it him, God knows." He then went on to assure his wife that he did not die in despair of God's mercies. God had not left him,

¹ *Certainly, I think, Howard.* Mr. Brewer thinks Cobham.

nor Satan tempted him. He knew it was forbidden to men to destroy themselves, but he trusted that that had reference only to those who made away with themselves in despair.

"The mercy of God," he continues, "is immeasurable, the cogitations of men comprehend it not. In the Lord I have ever trusted, and I know that my Redeemer liveth ; far is it from me to be tempted with Satan ; I am only tempted with sorrow, whose sharp teeth devour my heart. O God, thou art goodness itself ! thou canst not be but good to me. O God, thou art mercy itself ! thou canst not be but merciful to me." He then speaks of the property he has to leave and of his debts. But his mind cannot dwell on such matters. "Oh intolerable infamy !" he again cries out, "O God, I cannot resist these thoughts ; I cannot live to think how I am derided, to think of the expectation of my enemies, the scorn I shall receive, the cruel words of the lawyers, the infamous taunts and despites, to be made a wonder and a spectacle ! O death ! hasten thee unto me, that thou mayest destroy the memory of these and lay me up in dark forgetfulness. The Lord knows my sorrow to part from thee and my poor child ; but part I must, by enemies and injuries, part with shame and triumph of my detractors ; and therefore be contented with this work of God, and forget me in all things but thine own honour, and the love of mine. I bless my poor child, and let him know his father was no traitor. Be bold of my innocence, for God, to whom I offer life and soul, knows it. And whosoever thou choose again after me, let him be but thy politic husband ; but let my son be thy beloved, for he is part of me, and I live in him, and the difference is but in the number, and not in the kind. And the Lord for ever keep thee and them, and give thee comfort in both worlds !" ¹

Fortunately for himself, Raleigh's attempt to fly from the evils before him failed. He was to die after long years of sorrow nobly borne : but he was to die no coward's death.

¹ Raleigh to his wife. Printed by Mr. Brewer in his appendix to Goodman's *Court of King James I.* ii. 93. Who is the daughter mentioned in this letter? Apparently a natural child. Does anyone know what became of her?

During the remainder of his imprisonment he was several times examined, but his answers have not been preserved, with the exception of one or two fragments, in one of which he acknowledged that Cobham had offered him 10,000 crowns with a view to engage his services in furthering the peace, but added that he had passed the proposal by with a joke, thinking that it had not been seriously made.

On November 12 he was brought out of the Tower to be conducted to Winchester, where the trial was to take place, in order that the persons who attended the courts might not be exposed to the plague, which was raging in London.

Nov. 12.
Taken to
Winchester.

He passed through the streets amidst the execrations of the London mob. So great was their fury that Waad, the Lieutenant of the Tower, who had charge of him, hardly expected that he would escape out of the city alive. On the 17th he was placed at the bar, upon a charge of high treason, before Commissioners specially appointed, amongst whom Cecil and Chief Justice Popham took the most prominent parts.¹

Nov. 17.

The prosecution was conducted by the Attorney-General, Sir Edward Coke, with a harsh rudeness which was remarkable even in that age, and which in the course of the proceedings called down upon him, much to his own astonishment, the remonstrances of Cecil.

The Trial.

A century later Raleigh might well have smiled at the evidence which was brought against him. As it was, he could have had but little hope under what, in a letter which he had written to some of the Lords of the Council,² he had well termed 'the cruelty of the law of England.'

The cruelty
of the law of
England.

¹ A story occurs in the *Observations on Sanderson's History*, which had been frequently quoted, to the effect that the jury, not being sufficiently subservient, were changed overnight. To this Sanderson replied in an *Answer to a Scurrilous Pamphlet*, p. 8, that 'it is a scandal upon the proceedings to say that the intended jury was changed overnight, for these were of Middlesex, and ordered long before to attend at Winchester.'

² Letter to Nottingham and other Lords in Cayley's *Life of Raleigh*, ii. 11.

In our own days everyone who takes part in a criminal trial is thoroughly impressed with the truth of the maxim, that a prisoner is to be considered innocent until he is proved to be guilty. Even the counsel for the prosecution frequently seeks to gain a reputation for fairness by reminding the jury of the existence of such a maxim. The judge repeats it, if necessary, when he sums up the evidence. The able counsel whom the prisoner is at liberty to select at his own discretion, takes good care that it is not forgotten, while every man in the jury-box has been brought up in a political atmosphere where it is counted as an axiom.

How different was the course of a criminal trial in the first years of the seventeenth century! It was not that either the judges or the juries of that age were inclined to barter their consciences for bribes, or servilely to commit injustice with their eyes open, from a fear of consequences to themselves. But they had been trained under a system which completely ignored the principle with which we are so familiar. Tacitly, at least, the prisoner at the bar was held to be guilty until he could prove his innocence. No counsel was allowed to speak on his behalf, and unless his unpractised mind could, at a moment's notice, refute charges which had been skilfully prepared at leisure, the unavoidable verdict was sure to be given against him. Such a course of proceeding was bad enough in ordinary trials; but when political questions were involved the case was far worse. In our own times the difficulty is to procure a verdict of guilty as long as there is the slightest flaw in the evidence against a prisoner. When Raleigh appeared at the bar, the difficulty was to procure an acquittal unless the defence amounted to positive proof of innocence. The causes

Change in
the view
taken of
treason.

which led to this state of things are not difficult to comprehend. We live in days when, happily, it has become almost impossible to conceive of a treason which should really shake the country. Consequently, a prisoner accused of this crime is in our eyes, at the most, a misguided person who has been guilty of exciting a riot of unusual proportions. We cannot work our minds up to be afraid of him, and fear, far more than ignorance, is the parent of

cruelty. The experience of the sixteenth century had told the other way. For more than a hundred years the Crown had been the sheet-anchor of the constitution. Treason, consequently, was not regarded simply as an act directed against the Government. It was rather an act of consummate wickedness which aimed at the ruin of the nation. A man who was even suspected of a crime the object of which was to bring the armies of Spain upon the free soil of England could never meet with sympathy, and could hardly hope for the barest justice. The feelings of men were the more irresistible when the most learned judge upon the bench knew little more of the laws of evidence and the principles of jurisprudence than the meanest peasant in the land.

As might be expected, the forms of procedure to which the prevalent feelings gave rise only served to aggravate the evil.

System of criminal procedure. The examination of the prisoners was conducted in private. Such a system was admirably adapted for procuring the conviction of a guilty person, because he was not likely to persist in denying his crime whilst his confederates might be telling their own story against him, each in his own way. But it by no means afforded equal chances of escape to the innocent, who had no opportunity of meeting his accuser face to face, or of subjecting him to a cross-examination, and who, if he were accused of a State crime, would find in the examiners men who were by their very position incapable of taking an impartial view of the affair. In point of fact, these preliminary investigations formed the real trial. If the accused could satisfy the Privy Council of his innocence, he would at once be set at liberty. If he failed in this, he would be brought before a court from which there was scarcely a hope of escape. Extracts from his own depositions and from those of others would be read before him, supported by the arguments of the first lawyers of the day, who did not disdain to bring against him the basest insinuations, which he had at the moment no means of rebutting. The evil was still more increased by the want of any real responsibility in any of the parties concerned. When the previous depositions formed almost, if not entirely, the *whole of the evidence*, a jury would be likely to attach con-

siderable weight to the mere fact that the prisoner had been committed for trial. They would naturally feel a diffidence in setting their untried judgments against the conclusions which had been formed by men who were accustomed to conduct investigations of this kind, and who might be supposed, even if the evidence appeared to be weak, to have kept back proofs which for the good of the public service it was unadvisable to publish. On the other hand, the Privy Councillors would view the matter in a very different light. They would see in their inquiries nothing more than a preliminary investigation, and would throw upon the jury the responsibility which, in theory, they were bound to feel.¹ Under these circumstances, trial by jury ceased to be a safeguard against injustice. In a conjuncture when the nation and its rulers are equally hurried away by passion, or have become equally regardless of the rights of individuals, the system loses its efficacy for good.

With such prospects before him, Raleigh took his place at the bar.² If the feeling of the time with respect to persons charged with political offences was likely to lead to injustice, the law of high treason, as it had been handed down from older times, was such as to give full scope for that injustice. In the case of ordinary crimes, it was necessary to prove that the prisoner had actually taken part in the criminal action of which he was accused. In cases of treason it was sufficient if any one person had committed an overt act; all others to whom the treason had been confided, and who had consented to the perpetration of the crime, although they might have taken no part whatever in any treasonable action, were held to be as much guilty as the man would have been who actually led an army against the King.

From this state of the law arose the great difficulty which must have been felt by every prisoner who had to defend him-

¹ "Always," wrote Cecil of Raleigh, "he shall be left to the law, which is the right all men are born to."—Cecil to Winwood, Oct. 3, 1603, *Winw.* ii. 8.

² The account here given is based upon the report as given in Jardine's *Crim. Trials*, compared with Mr. Edwards's collation in his *Life of Raleigh*, i. 388.

when charged with a treason in which he had not himself taken an active share. If he had ever listened to the words of the traitor, it would not be enough for him to prove that he had not done anything which was treasonable. He could only hope for an acquittal if he could show that the state of his mind at the time when he heard the treasonable proposal was the opposite of that which would certainly be ascribed to him by everyone who took part in the trial. And even if by some extraordinary chance he was able to show that he had only concealed the treason without consenting to it, he was still liable to the harsh penalties which the law inflicted upon misprision of treason.

After some preliminary proceedings, the charges against the prisoner were brought forward by Coke, with his usual violence, ^{opens} and with his no less usual carelessness as to the value ^{trial.} of the evidence upon which he based his assertions. He charged Raleigh with entering upon a treason which was closely connected with that of the priests, although he was unable to point out what that connection was. He had not been far before he lost his temper. Raleigh having calmly asserted his innocence, and having offered to confess the whole of the indictment if a single charge could be proved out of the many that had been brought against him, he dared, in the presence of the man whose lifelong antagonism to Spain was odious to every Englishman, to accuse him with being a traitor with an English face but a Spanish heart; and with having plotted with Cobham to bring about the substitution of the Armada for the King by the help of a Spanish invasion. One day, he said, shortly after Aremburg's arrival, Raleigh was dining with Cobham, and after supper Cobham went with Raleigh to visit the Ambassador. It was then arranged that Cobham should go into Spain, and that he was to return by Dover of Jersey, where he was to consult with Raleigh as to the best means of making use of the money which he hoped to receive from the King of Spain. The Attorney-General proceeded to argue in favour of the probability of this story, from Raleigh's known intimacy with Cobham, from the letter which he had written to say that he had cleared him in all of which

he had been accused, as well as from the message which he had sent to remind him that one witness could not condemn him. This message would be sufficient to account for Cobham's retraction of his accusation. Coke then proceeded to speak of an attempt which Cobham had made to antedate a letter in order to disprove the charge which had been brought against him of purposing to go abroad with treasonable intentions, and asserted, without a shadow of proof, that 'this contrivance came out of Raleigh's devilish and machiavellian policy.' Upon Raleigh's quietly denying the inferences, Coke broke out again: "All that he did," he said, "was by thy instigation, thou viper; for I thou thee, thou traitor! I will prove thee the rankest traitor in all England." Raleigh again protested his innocence, and after the Chief Justice had interposed to restore the order which had been broken by the Attorney-General, Coke proceeded to adduce his evidence. The first document read was Cobham's declaration of July 20, in which, after having been shown Raleigh's letter to Cecil in which he had suggested that Cobham's dealings with Aremberg should be looked into, he had declared that he 'had never entered into these courses but by Raleigh's instigation;' and had added that Raleigh had spoken to him of plots and invasions, though this charge was somewhat invalidated by Cobham's refusal to give any particular account of the plots of which he had spoken.

To this evidence, such as it was, Raleigh immediately replied. This, he said, addressing the jury, was absolutely all the evidence that could be brought against him. He protested that he knew nothing either of the priests' plot, or of any design to set Arabella upon the throne. If he suspected that there was anything passing between Aremberg and Cobham, it was because he knew that they had had confidential communication with one another in former times, and because one day he saw him go towards Renzi's lodging. He then appealed to the jury to consider how unlikely it was that he should plot with such a man as Cobham. "I was not so bare of sense," he said, "but I saw that if ever the State was strong and able to defend itself, it was now. The kingdom of Scotland united, whence we were wont to fear all our troubles;

Ireland quieted, where our forces were wont to be divided ; Denmark assured, whom before we were wont to have in jealousy ; the Low Countries, our nearest neighbours, at peace with us ; and instead of a Lady whom time had surprised we had now an active King, a lawful successor to the crown, who was able to attend to his own business. I was not such a mad-man as to make myself in this time a Robin Hood, a Wat Tyler, or a Jack Cade. I knew also the state of Spain well ; his weakness and poorness and humbleness at this time. I knew that he was discouraged and dishonoured. I knew that six times we had repulsed his forces, thrice in Ireland, thrice at sea—once upon our coast and twice upon his own. Thrice had I served against him myself at sea, wherein for my country's sake I had expended of my own property 4,000*l*. I knew that where before-time he was wont to have forty great sails at the least in his ports, now he hath not past six or seven ; and for sending to his Indies he was driven to hire strange vessels—a thing contrary to the institutions of his proud ancestors, who straitly forbade, in case of any necessity, that the Kings of Spain should make their case known to strangers. I knew that of five and twenty millions he had from his Indies, he had scarce any left ; nay, I knew his poorness at this time to be such that the Jesuits, his imps, were fain to beg at the church doors ; his pride so abated, as notwithstanding his former high terms, he was glad to congratulate the King, my master, on his accession, and now cometh creeping unto him for peace." Raleigh concluded by asserting that it was improbable either that the King of Spain should be ready to trust large sums of money on Cobham's bare word, or that a man of Cobham's wealth should risk it by entering into treason. But, however that might be, he protested that he was clear of all knowledge of any conspiracy against the King.

After some further argument on the value of Cobham's evidence, the prisoner appealed to the Court against the course which was adopted by the prosecution, and demanded that at least two witnesses should be produced in open court. It was all in vain. The Chief Justice laid down the law as it was then universally under-

Question of
the necessity
of producing
two wit-
nesses.

stood in Westminster Hall.¹ Two statutes² of Edward VI. had, indeed, expressly declared that no man could be convicted of treason except by the evidence of two witnesses, who, if living at the time of the arraignment, were to be produced in court. Raleigh urged that a later statute of Philip and Mary³ held the same doctrine. Popham answered that he had omitted the important words which limited its operation to certain treasons specially mentioned in the Act. By another section of the same statute it was 'enacted that all trials hereafter to be . . . awarded . . . for any treason shall be had and used only according to the due order of the Common Laws of this realm, and not otherwise.' It is highly improbable that the legislature intended that this section should be interpreted so as to interfere with the wholesome practice of requiring two witnesses in cases of treason. At a later period a different interpretation was affixed to it by the common consent of all lawyers, who have now, for nearly two centuries, unanimously held that the statute of Edward VI. was not repealed by the subsequent Act. But in the early part of the seventeenth century all lawyers, with equal unanimity, held the contrary opinion. In 1556 the Judges had met to consult on the meaning of the Act of Philip and Mary which had then been recently passed, and had decided that it bound them to fall back upon the old custom, by which they were to be content with one accuser, who need not be produced in court. This doctrine had been repeatedly put in practice, and no remonstrance had proceeded from any quarter, excepting from the unfortunate men who had suffered from its injustice.

This objection having been thus overruled, Coke proceeded to bring forward what further evidence he had in his power to produce. A letter of Cobham's was read, in which he acknowledged that before Aremburg's arrival he had written to him for money, and had received a promise of four or five hundred thousand crowns. As, however,

Coke produces his proofs.

¹ See Mr. Jardine's remarks, *Crim. Trials*, i. 513, and Reeve's *Hist. of Eng. Law*, iv. 495-506.

² 1 Ed. VI. cap. 12, and 6 Ed. VI. cap. 11.

³ 1 & 2 Philip and Mary, cap. 10.

this appeared to be intended only to assist the progress of the negotiations for peace, Coke was obliged to go farther in order to prove that there had ever been any overt act of treason at all. For Cobham, remembering that the evidence which he gave against Raleigh might possibly be turned against himself, had, with the single exception of the general statement, which was made in the heat of passion, that Raleigh had spoken to him of 'plots and invasions,' always asserted that his dealings with Aremberg had reference solely to the negotiations. The Attorney-General was therefore forced to content himself with bringing forward Watson's evidence, such as it was, to the effect that he had heard from Brooke that his brother and Raleigh were wholly of the Spanish faction.

The confession which Raleigh had made as to Cobham's offer of 10,000 crowns¹ to himself was also read, and Keymis's

Raleigh's
account of
his connec-
tion with
Cobham's
proceedings.

examination was produced, in which he spoke of a private interview which had taken place between Cobham and Raleigh at the time when the former was receiving letters from Aremberg. To this Raleigh made no reply, but he stated that Cobham's offer had been made previously to Aremberg's arrival in England. He added that he had refused to have anything to do with it. This had taken place, he said, as he and Cobham were at dinner. Cobham had also proposed to offer money to Cecil and to Mar, to which he had replied that he had better 'make no such offer to them, for, by God, they would hate him if he did offer it.' Raleigh concluded by again pressing to be allowed to be brought face to face with his accuser.

He found an unexpected support in Cecil, who, with an evident desire that Raleigh's wish might be granted, pressed

Asks again
to be con-
fronted with
Cobham.

the judges to declare how the law stood. They all answered that it could not be allowed. "There must not," said Popham, "be such a gap opened for the destruction of the King as would be if we should grant you this . . . You plead hard for yourself, but the laws plead as hard for the King. . . . The accuser having first confessed against himself voluntarily, and so charged another person, he

¹ P. 123.

may from favour or fear retract what formerly he hath said, and the jury may by that means be inveigled."

After some further evidence of no great value had been produced, Keymis's deposition was read, in which he confessed that he had carried a letter and a message from Raleigh to Cobham when he was in the Tower, and that he had told him that one witness could not condemn a man. Upon hearing this deposition read, Raleigh took the unfortunate step of boldly denying that he had ever sent the message, or written the letter. Keymis was not the man to have invented the story, and this unlucky falsehood of Raleigh's must have induced those who were present to give less weight to his protestations than they would otherwise have done.

Once more Raleigh besought the court to allow the production of Cobham, and, in spite of Howard's declaration that his request could not be granted, Cecil once more supported him by asking whether the proceedings might not be adjourned till his Majesty's pleasure could be known. The judges coldly answered that it could not be done.

The evidence which still remained was most irrelevant. A pilot, named Dyer, was brought into court, who swore that when he was at Lisbon he had been told by a Portuguese that the King would never be crowned, as Don Cobham and Don Raleigh would cut his throat first.

According to our ideas the case had thoroughly broken down. Not only had there been no evidence that Raleigh had ever heard of Cobham's purpose of employing the Spanish money in support of Arabella's claim, but there had been none to show that Cobham himself had ever formed such a design. It must not, however, be supposed that on the latter point the Government were not in possession of more satisfactory evidence than they were able to produce in court. They had in their hands a letter of Cobham to Arabella, in which he explained that he had requested the ambassador's good offices with the King of Spain in support of her title; and two letters of Aremberg to Cobham, in which he promised him 600,000 crowns, and had engaged to lay before the King of Spain his proposal

that the peace negotiations should be retarded and the Spanish fleet strengthened.¹ Such evidence could not be produced in court without compromising the ambassador, but it would have its weight with those who were aware of its existence, even though Raleigh was not shown to have been concerned in the matter.

Raleigh then proceeded to address the jury, begging them not to condemn him on such evidence as that which they had just heard. Serjeant Phelps said that the question lay between the veracity of Raleigh and Cobham. It was Raleigh's business to disprove the accusation, which he had failed to do. Raleigh replied, truly enough, that Cobham had disproved his own assertions by disavowing them.

Coke was proceeding to sum up the evidence when Raleigh interrupted him, and asked that, as he was pleading for his life, he might be allowed to have the last word. The Attorney-General was treating this as mere insolence, when he was checked by Cecil. Coke, unused to be compelled to respect the feelings of a prisoner, 'sat down in a

Raleigh
demands
the last
word.

¹ The following extract from the despatch of the French ambassador seems to prove the reality of Cobham's intrigue for setting up Arabella :— "Or est-il qu'en icelle," i.e. his deposition, "ledit Cobham a reconnu d'avoir ouvert son dessein au Comte d'Aremberg qui estoit de persuader Madame Arbelle ainsy qu'il se publie et appert par la lettre qu'il lui escrivit laquelle ladite dame mit deslors entre les mains du Roi, qu'il a demandé audit Comte la somme de 600,000 escus pour en donner une partie aux malcontents de ce Royaume a fin de les esmouvoir a se rebeller et en envoyer un autre en Ecosse et Irlande, qu'il s'est offert d'escire lui-même au Roi d'Espagne a fin qu'il retardast la negotiation de la paix et renforcast son armée de mer attendant que selon le conseil qu'il avoit pris il pût feignant d'aller a Spa conferer avec l'archiduc, et delà passer en Espagne pour donner plus de seureté ce sa foi et de son credit, que sur toutes ces choses ledit Comte l'avoit non seulement escouté mais conforté, discourant, et s'enquérant avec lui des moyens de les faire reussir ; qu'il lui avoit comme donné parole de 600,000 escus, et ce par deux lettres lesquelles je scai être [dans ?] les mains du Roi, et que pour le retardement de la negotiation de la paix, et de l'armée de mer, il en donneroit avis au plustot en Espagne."—Beaumont to the King of France, ^{Nov. 26,} Dec. 6, 1603. *King's MSS.* 124, fol. 577 b.

chafe,' and was only induced to proceed by the entreaties of the Commissioners.

After going over the depositions which had been read, he produced a letter which had been written only the day before by Cobham to the Commissioners. "I have thought it fit," the wretched man had written, "in duty to your Majesty's Sovereign, and in discharge of my conscience, to set this down to your Lordships, wherein I protest, upon my oath, to write nothing but what is true, for I am not ignorant of my present condition, and now to dissemble with God is no more to me than Sir Walter Raleigh, four nights before my coming from the Tower, caused a letter inclosed in an apple to be thrown into my chamber window, desiring me to set down under my hand, and send him an acknowledgment that I had wronged him, renouncing what I had formerly accused him of. His letter I made no answer to. The next day he wrote another, praying me for God's sake, if I pitied him, his wife and children, that I would answer him in the points he desired, informing me that the judges had met at Mr. Attorney's house, and putting me in hope that the proceedings against me would be stayed. Upon this I wrote him a letter as he desired. I since have thought he went about only to clear himself by betraying me. Whereupon I have resolved to set down the truth, and under my hand to retract what he cunningly said from me, craving humble pardon of His Majesty and your Lordships for my double-dealing.

"At the first coming of Count Aremberg, Raleigh persuaded me to deal with him, to get him a pension of 1,500*l.* from the King for intelligence, and he would always tell and advertise that the war was intended by England against Spain, the Low Countries, and the Indies. And coming from Greenwich one night he told me what was agreed between the King and the Low Countries, that I should impart it to Count Aremberg. But for the motion of 1,500*l.* for intelligence I never dealt with Count Aremberg. Now, as by this may appear to your Lordships, he hath been the original cause of my ruin, for but by his instigation I had never dealt with Count Aremberg. So it hath been the only cause of my discontentment, I

coming from the court, but still he filled me with new causes of discontentment. To conclude : in his last letter he advised me that I should not be overtaken by confessing to any preacher, as the Earl of Essex did, for the King would better allow my constant denial than my accusing any other person, which would but add matter to my former offence."

Never did any man appear more bewildered than Raleigh when he heard this letter read. As soon as he could recover himself, he drew another letter from his pocket.

Raleigh
produces
another
letter.

This was the one which had been written in the Tower by Cobham in reply to the urgent requests which had been conveyed to his cell by means of the apple thrown in at the window. In spite of Coke's objections it was read, at Cecil's request, to the following effect :—

"Now that the arraignment draws near, not knowing which should be first, I or you, to clear my conscience, satisfy the world with truth, and free myself from the cry of blood, I protest upon my soul, and before God and His Angels, I never had conference with you in any treason, nor was ever moved by you to the things I heretofore accused you of, and, for anything I know, you are as innocent and as clear from any treasons against the King as is any subject living. Therefore I wash my hands, and pronounce with Daniel,¹ '*Purus sum a sanguine hujus*,' and God so deal with me, and have mercy upon my soul as this is true."

Raleigh was, however, brought to confess, that although it was untrue that he had moved Cobham to procure him a pension, yet he could not deny that Cobham had mentioned it to him. This confession, coming after his denial made at Windsor, of having known anything of any plot between Cobham and Aremburg, and his subsequent letter in which he based his suspicions of Cobham simply upon his knowledge of the interview with Renzi, was calculated to do considerable damage to his cause. It was now evident that

Raleigh had, to say the least of it, not been telling the whole truth. The jury therefore, after a short consultation of fifteen minutes, brought in a verdict of Guilty.

The pension.

The verdict.

¹ The 'wise young judge' of the *History of Susanna*, 46.

Sentence of death was pronounced by Popham, who probably thought he was standing on a ground of moral superiority in inveighing against the atheistical and profane opinions which he, in common with the rest of the world, believed Raleigh to have entertained.

If we once admit the principle, upon which the jury tacitly acted, that it was the prisoner's business to prove himself to be innocent, the whole trial resolves itself into a question of character. Difficult as it is for us to acknowledge it, it is not improbable that, with the jury, Raleigh's character for veracity stood as low as Cobham's. That this was unjust to Raleigh we know full well. We have opportunities of knowing what he really was which very few of his contemporaries enjoyed. The courtiers and statesmen with whom he mingled knew only his worst side, and their evil report was exaggerated by rumour as it spread over the land.

With unerring judgment posterity has reversed the verdict of the Winchester jury. That Raleigh was innocent of planning a Spanish invasion of England, needs no proof to those who know how deeply hatred to Spain had sunk into his soul. Still, however, there is something that needs explanation. Raleigh was evidently not anxious to tell the whole truth. It is almost impossible to avoid the conclusion that he knew more of Cobham's plans than he chose to avow. That he even heard of the scheme of placing Arabella upon the throne, or of the Spanish invasion, may be doubted. Brooke's testimony of what his brother said is worthless; and Cobham, at least till after his own conviction,¹ never directly charged him with it. The most that he said was that Raleigh had spoken to him of plots and invasions. On the other hand, it was acknowledged by all that he had offered Raleigh bribes to engage in forwarding the peace. The story which was told by Raleigh of the manner in which he rejected the offer has the appearance of truth. But is it certain that he was not acquainted with more than he liked to say of Cobham's further intercourse with Aremberg? Was it only on the two occasions on which

Question of
Raleigh's
innocence.

Probable
explanation
of the facts.

¹ *He did then.* Cobham's Confession, Nov. 22, S. P. Dom. iv. 91.

money was offered that Raleigh heard anything of the secret with which the whole mind of his companion was filled? It was from Raleigh's presence that Cobham went with Renzi to Aremberg's lodgings. On another occasion Raleigh was 'below in the hall with Lord Cobham when Renzi delivered a letter from Aremberg,' and afterwards 'the Lord Cobham took Sir Walter Raleigh up into his chamber with him in private.' Is it to be believed that they went there in order to converse on indifferent subjects? Even the two apparently antagonistic letters from Cobham which caused so much astonishment at the trial are not so discrepant as they at first sight appear. In one Cobham asserts that Raleigh had not instigated him to commit treason. In the other he asserts that Raleigh had professed his readiness to accept a pension from Aremberg, to be the price of a betrayal of court secrets, and that this suggestion had first brought him into communication with the ambassador, and so had indirectly caused his ruin. Both these statements may very well have been true. Raleigh cannot have been in a gentle humour on that night when he came home from Greenwich, after seeing his rivals in the enjoyment of the sweets of power. "If it is to come to this," we can fancy his saying to Cobham on his return, "one might as well be a pensioner of Spain at once."¹ He may even have thought that, as it was certain that there was to be a peace with Spain, he might at least make money by forwarding that which he could not prevent. Of course this is mere guesswork, but it is a guess which would sufficiently account for all that followed. He suddenly is called before the Council, and on the spur of the moment denies all knowledge of Cobham's proceedings. Then, after he has gone away, he reflects that sooner or later what had happened must come to light, and he knows that he has had no real part in the treason. He writes the letter to Cecil, and Cobham is arrested and lodged in the Tower. Upon this he remembers what the English law is, making a man an offender for a thought, far more for a word, and instinctively

¹ At his subsequent trial Cobham said that Raleigh 'once propounded to him a means for the Spaniards to invade England' by sending an army to Milford Haven.—Carleton to Chamberlain, Nov. 27, *Court and Times of James I.* i. 19. This may have been true as speculative talk.

turning to the one object of stopping Cobham's mouth, he sends Keymis to him to do what he can. Alas ! he had forgotten that Cobham might see the letter which had been written to Cecil. Cobham does see it, bursts into a rage, and accuses Raleigh of things of which he had never dreamed. There is nothing for it now but to deny all, to state boldly that Keymis had lied as well as Cobham, to hide as long as possible the second offer of a pension, to declare that he had never committed a venial error, lest those accursed lawyers should torture it into the foulest crime.

If Raleigh's trial is remarkable for the distinct enunciation by the judges of the harsh principles which were then in repute amongst lawyers, it is equally worthy of memory, as giving the first signal of the reaction which from that moment steadily set in in favour of the rights of individuals against the State. Many a man, who came to gloat over the conviction of a traitor, went away prepared to sympathise with the prisoner who had defended himself so well against the brutal invectives of Coke.

Two days before this trial, Brooke, Markham, Copley, and another confederate named Brooksby, with the two priest

Nov. 15. Trial of the other prisoners. Watson and Clarke, were convicted of high treason. Before the end of the week Cobham and Grey were also convicted before a court composed of thirty-one peers, in which the Chancellor presided as Lord Steward. In Cobham's defence there was no dignity or self-respect. Grey displayed conspicuous ability. When after the verdict had been given, he was asked whether he could say anything in arrest of judgment, he candidly acknowledged that he had nothing to allege. "Yet," he added after a pause "a word of Tacitus comes into my mind, '*Non eadem omnibus decora.*' The House of Wilton hath spent many lives in the prince's service, and Grey cannot beg his. God send the King a long and prosperous reign, and to your lordships a honour." ¹

Nov. 18. or self-respect. Grey displayed conspicuous ability. When after the verdict had been given, he was asked whether he could say anything in arrest of judgment, he candidly acknowledged that he had nothing to allege. "Yet," he added after a pause "a word of Tacitus comes into my mind, '*Non eadem omnibus decora.*' The House of Wilton hath spent many lives in the prince's service, and Grey cannot beg his. God send the King a long and prosperous reign, and to your lordships a honour." ¹

¹ Carleton to Chamberlain, Nov. 27; Cecil to Parry, Dec. 1, *Com. and Times of James I.*, i. 14, 17.

Ten days later the two priests were executed, and in a week's time they were followed by Brooke, who died declaring that all that he had said was true, with the exception of the charge which he had brought against his brother of wishing that the fox and his cubs were taken away.¹

Nov. 29.
Execution of
Watson and
Clarke,
Dec. 6.
and of
Brooke.

With respect to the other prisoners, the King refused to listen to any requests made to him, either by those who were desirous to save them, or by others who were anxious that they should be executed. At last, after some consideration, he determined to take a course by

Reprieve of
the other
prisoners.

which he might have the benefit of hearing what their last confessions were, without putting any of them to death. Warrants were accordingly issued for the execution of Cobham, Grey, and Markham on December 10. The Bishop of Chichester was appointed to attend upon Cobham, and the Bishop of Winchester upon Raleigh, in hopes of extracting a confession at least from one of them. Both adhered to their former statements. On the appointed day the three were brought out for execution one after the other, but after each had made his declaration, he was sent down from the scaffold, in pursuance of an order which arrived from the King. Even when in instant expectation of death Cobham persisted in his assertion of Raleigh's guilt.² At last they were all told that the King had countermanded the execution, and had granted them their lives. Raleigh, whose execution had been fixed for a later day, was also informed that he was reprieved. With Grey and Cobham he was committed to the Tower. Markham, Copley, and Brooksby were ordered to quit the kingdom.³ Raleigh's personal property, which had been for-

Dec. 10.

¹ Carleton to Chamberlain, Dec. 11, *Court and Times of James I.*, i. 27. Cecil to Winwood, Dec. 12, *Winw.* ii. 10.

² As he showed no cowardice on the scaffold, it has often been supposed that he knew he was not to die; on the other hand, the explanation I have adopted seems more characteristic of James.

³ Markham took service in the Archduke's army, and at the same time acted as a spy for the English Government.

restored to him.¹ Of the manor of Sherborne, all that fell into the King's hands was the interest which Raleigh retained in it during his life, as he had executed a conveyance shortly before the death of Elizabeth, by which he assigned the estate to trustees for the benefit of his wife and child, though reserving the profits to himself during his own life. This life-interest was granted by James to two persons nominated by himself, to be held in trust for the benefit of Lady Raleigh and her son.²

From the disclosures made by the prisoners concerned in Watson's plot, James had learned that the conspiracy which had been detected formed but a small part of the dangers to which he had been exposed. Watson had declared that the Jesuits were engaged in a plot which he believed to be connected with their hopes of a Spanish invasion. Nor was this an unfounded assertion. The movements which Watson perceived were caused by the preparations made by Catesby and his friends to receive the army of the King of Spain, if he should send a favourable answer to their request.

Just at the time when James might well have felt anxious, Dr. Gifford arrived from Flanders, as the bearer of assurance from the Nuncio at Brussels of the strong desire of the Pope to keep the English Catholics from insurrection. The satisfaction felt by James at this announcement was increased by the reception of a letter from Sir Thomas Parry, the English ambassador in France,³ in which he announced that he had received a message from Del Bufalo, the Nuncio in Paris, to the effect that he had received authority from the Pope to recall from England all turbulent priests. Del Bufalo further offered to James that if there remained any in his dominions, priest

¹ Grant to Shelbury and Smith, Feb. 14, 1604. *Rymer's Fœder.* xvi. 569.

² Grant to Brett and Hall, July 30, 1604. *S. P. Docquet.*

³ Degli Effetti to Del Bufalo, ^{Aug. 24,} *Roman Transcripts, R. O.* Sept. 3,

Jesuit, or other Catholic, whom he had intelligence of for a practice in his State which could not be found out, upon advertisement of the names he would find means to deliver them to his justice by ecclesiastical censures.

Aug. 20.

To this communication Cecil replied by asking that the Nuncio should put his offer into writing. Del Bufalo, however, being unwilling to commit himself, preferred to ask for the appointment of a person to treat with him in Paris. After some delay he was informed by Parry

Progress of the negotiation.

that James wished the Pope to send to England a layman with whom he might informally communicate, and to give authority to persons named by himself, to recall turbulent Catholics from England on pain of excommunication.¹ Parry was also to place in the Nuncio's hands a copy of Sir James Lindsay's instructions, in order that the bearer, who was at last about to start for Rome, might not be able to enlarge upon them. About the same time another deputation of Catholics waited upon the Council, having, in all probability, been alarmed lest their cause should be injured by the detection of the late conspiracies.

James renews his assurances to the Catholics.

They were assured that the King would keep his word, and that the fines would not be exacted.² James, it appeared, had made up his mind, and had resolved to accord toleration to the Catholic laity. How far this toleration was to be extended to the clergy was another matter, on which, as yet, he had entered into no engagement.

In deciding this question James was no doubt much at the mercy of accidental occurrences. Anything which gave him personal annoyance would have considerable influence on his policy ; and, unfortunately for the Catholics, before many weeks passed, James was seriously annoyed.

In the course of the summer Sir Anthony Standen had been

¹ Del Bufalo to the King, Sept. ¹⁴/₂₄; Del Bufalo to Aldobrandino, *Roman Transcripts, R. O.*; James to Parry, in Tierney's *Dodd*, iv. App. p. lxvi. and *Hatfield MSS.* 120, fol. 150; Parry to Cecil, Aug. 20; Cecil to Parry, Nov. 6, *S. P. France*.

² *Petition Apologetical*, p. 27.

sent by James on a mission to some of the Italian States. 1
 July. Standen's mission. was himself a Catholic, and was eager to take part
 the grand scheme for reconciling England to the S
 of Rome. He urged upon the Pope the importance of
 sending an agent to England, to discuss with the King the point
 in dispute between the Churches, and he suggested that the
 mediation of the Queen might produce good effects.
 Sept. The Queen secretly a Catholic. Anne of Denmark, in fact, though she attended the
 Protestant services, was secretly a Catholic, so far
 at least as her pleasure-loving nature allowed her to be of any
 religion at all, and she took great delight in the possession of
 consecrated objects.¹

While Standen was in Italy he entered into communication
 with Father Persons, who induced the Pope to employ the
 messenger to carry to the Queen some objects of
 devotion, and who himself wrote through the same
 medium to some priests in England. Standen was
 not the man to keep a secret, and he had scarcely arrived in
 England when he was arrested and lodged in the
 Tower. The presents from the Pope were subse-
 quently returned, through the Nuncio in Paris.²

James was particularly annoyed at the discovery of this
 clandestine correspondence with his wife. With some difficulty
 he had induced her to receive the communion with
 him at Salisbury, but she had been much vexed with
 herself since, and had refused to do it again. On
 Christmas day she had accompanied him to Church, but since
 then he had found it impossible to induce her to be present at
 a Protestant service. Standen, it now seemed, had arrived to
 thwart him. He dismissed several of the Queen's attendants
 who were suspected of having come to an understanding with

¹ Degli Effetti to Del Bufalo, June $\frac{13}{23}$, $\frac{16}{26}$; Persons to Aldobrandino,
 Sept. $\frac{13}{28}$, *Roman Transcripts*, R. O.

² Villeroi to Beaumont, $\frac{\text{Nov. } 27}{\text{Dec. } 7}$; Cecil to Parry, Jan. 24 and Feb. 4;
 S. P. France, Del Bufalo to Aldebrandino, Nov. $\frac{20}{30}$, *Roman Transcripts*,
 R. O.

Standen, and he ordered her chamberlain, Lord Sidney, the brother of Sir Philip, and himself a decided Protestant, to be assiduous in his attendance on the duties of his office.¹

Before the impression made upon James by this untoward affair had worn away, the Nuncio received from Rome an answer to the proposal made by James, that a person should be invested with the power of excommunicating turbulent Catholics. This scheme had been warmly supported by the Nuncio at Paris. But it was not one to which the Pope could give his assent. To excommunicate Catholics at the bidding of a heretic prince was contrary to all the traditions of the Church, and Del Bufalo was therefore informed that James could not be gratified in this particular. Nor could anyone be sent to England as a representative of the Pope, for fear lest he might be drawn into political contests in which France or Spain would be interested on one side or the other.²

The Pope
refuses to
excommu-
nicate turbu-
lent Catho-
lics.

That James should take umbrage at this refusal of the Pope to comply with his wishes, was only to be expected. He had, however, other reasons for reconsidering his position towards the English Catholics. As might have been expected, since the weight of the penal laws had been removed, there had been a great increase in the activity of the Catholic missionaries. In less than nine months after Elizabeth's death no less than 140 priests had landed in England, and the converts made by them were very numerous,³ though many

Increase of
the Catholics
in England.

¹ Information given to Del Bufalo by a person leaving England on Jan. ¹¹/₂₁, *Roman Transcripts, R. O.*

² So I interpret the Pope's note on Del Bufalo's despatch of Dec. ⁴/₁₄ (*Roman Transcripts, R. O.*): 'Quanto alla facoltà di chiamare sotto pena di scomunica i turbolenti, non ci par da darla per adesso, perchè trattiamo con Heretici, e corriamo pericolo di perdere i sicuri, sì come non ci par che il Nuntio debba premere nella cosa di mandar noi personaggio, perchè dubitiamo che essendo tanta gelosia tra Francia e Spagna non intrassimo in grandissima difficoltà. E meglio aspettare la conclusione della Pace secondo noi, perchè non sappiamo che chi mandassimo fosse per usar la prudentia necessaria.'

³ Dec. ¹³/₂₃, *Roman Transcripts, R. O.*

about religious liberty. In wishing to grant toleration to those from whom he differed, James was in advance of his age, and it is no matter of astonishment if he did not see his way more clearly. It was no slight merit in a theological controversialist, such as James, to be unwilling to use compulsion if it could possibly be avoided.

CHAPTER IV.

THE HAMPTON COURT CONFERENCE AND THE PARLIAMENTARY
OPPOSITION.

CONSCIOUSNESS of strength is the necessary condition of toleration. Whatever tended to weaken the English Church would

16c3. postpone the day when those who regarded her with devotion could bear with equanimity the attacks directed against her by the Catholics. It was only natural that the Catholics themselves, who aimed not at toleration but at supremacy, should see the position of affairs in different light.

Blackwell, the Archpriest, was overjoyed at the news that the Puritans and their adversaries were struggling with one another for the favour of the new King. "War between the heretics," he gleefully wrote, "is the peace of the Church." That strife in which Blackwell rejoiced, all who were not under the influence of Blackwell's Church were anxious to end. Unfortunately those who wished the Church of England to be strengthened, differed as to the means by which so desirable an object was to be attained. There were some who thought that the Church would grow strong by the silencing of all who wished to deviate from its rules. There were others who believed that their relaxation would promote a nobler unity. Foremost amongst these latter stood Bacon, the great political thinker of the age. "I am partly persuaded," he wrote "that the Papists themselves should not need so much the severity of penal laws if the sword of the Spirit were better edged, by strengthening the authority and repressing the abuse

¹ Blackwell to Farnese, Nov. $\frac{4}{14}$, *Roman Transcript*, R. O.

of the Church."¹ Bacon found the root of the matter to consist in spiritual freedom under the guardianship of law. Place must be found in the ministry of the Church for all who were willing to fight the good fight, unless they shook off all bonds by which men were enabled to work together. 'The silencing of ministers,' he held, was, in the scarcity of good preachers, 'a punishment that lighted upon the people as well as upon the party.' "It is good," he wrote, "we return unto the ancient bonds of unity in the Church of God, which was, one faith, one baptism; and not, one hierarchy, one discipline; and that we observe the league of Christians, as it is penned by our Saviour Christ, which is in substance of doctrine this: 'He that is not with us is against us;' but in things indifferent and but of circumstance this: 'He that is not against us is with us.'"

If these words do not solve the difficulties of Church discipline for a time when there are differences of opinion on questions of faith as well as on questions of ceremonial, they were admirably suited to the circumstances of the moment. It was a time when it behoved every Protestant Church to close its ranks, not by the elimination of those who differed from some arbitrary standard of conformity, but by welcoming all who based their faith on the belief that truth was to be gained by search and inquiry.

In dedicating this treatise to James, Bacon laid his views before a man who was by no means incapable of appreciating them. James's mind was large and tolerant, and he was averse to the language of sectarian fanaticism. In his behaviour during the early months of his reign there were evident signs that he had pondered Bacon's advice.

James had very soon become aware that in the relations of Puritanism to the Church there was a problem to be solved as difficult as that of the toleration of the Catholics. As soon as Elizabeth's death was known, Archbishop Whitgift despatched Nevill, the Dean of Canterbury, to Edinburgh, in order to make himself acquainted with the

Effect of
Bacon's
advice upon
James.

Nevill sent
to Edin-
burgh.

¹ *Certain Considerations touching the better Pacification and Edification of the Church of England*, Bacon's *Letters and Life*, iii. 103.

sentiments of the new King. The messenger was soon able to report, joyfully, that James had at least no intention of establishing Presbyterianism in England.

On his progress towards London, James was called upon to listen to an address of a very different nature. A petition,¹ strongly supported by the Puritan clergy, was presented to him, in which their wishes were set forth.

The Millenary Petition.

The petition was very different from those which had been drawn up early in Elizabeth's reign, in which the abolition of Episcopacy and the compulsory introduction of Presbyterianism had been demanded. It contented itself with asking for certain definite alterations in the existing system. In the Baptismal Service interrogations were no longer to be addressed to infants; nor was the sign of the cross to be used. The rite of Confirmation was to be discontinued. It had been the practice for nurses and other women to administer baptism to newly-born infants in danger of death. This custom was to be forbidden. The cap and surplice were not to be 'urged.' Persons presenting themselves for Communion were to undergo a previous examination, and the Communion was always to be preceded by a sermon. 'The divers terms of priests and absolution, and some other used,' were to be 'corrected.' The ring was no longer to enter into the marriage service, although it might be retained in private use, as a token given by the husband to his wife.² The length

Proposed changes in the Prayer Book.

¹ Commonly called the Millenary Petition, because it purported to proceed from 'more than a thousand ministers.' It was said by Fuller (*Ch. Hist.* v. 265), and it has often been repeated, that only seven hundred and fifty preachers' hands were set thereto. The fact seems to have been that there were no signatures at all to it. The petitioners, in a Defence of their Petition, presented later in the year (*Add. MSS.* 8978) distinctly say, 'Neither were any hands required to it, but only consent.' They probably received only seven hundred and fifty letters of assent, and left the original words standing, either accidentally or as believing that the sentiments of at least two hundred and fifty out of those who had not come forward were represented in the petition.

² This explanation is adopted from the Defence before mentioned (fol. 36 b.)

of the services was to be abridged, and church music was to be plainer and simpler than it had hitherto been. The Lord's day was not to be profaned, and, on the other hand, the people were not to be compelled to abstain from labour on holydays. Uniformity of doctrine was to be prescribed, in order that all popish opinions might be condemned. Ministers were not to teach the people to bow at the name of Jesus; and, finally, the Apocrypha was to be excluded from the calendar of the lessons to be read in church.

These demands could not, of course, be granted as they stood. If the clergy alone were to be consulted, a large number would be found among them who would view these matters with very different eyes. The great mass of the laity, especially in country parishes, would be equally averse to the change.¹ Any attempt to enforce the alterations demanded would have stirred up opposition from one end of the country to the other. The difficulties were enormous, even if the Bishops had been inclined to look them fairly in the face. Still, something might have been done if they had been animated by a conciliatory spirit. By a little fair dealing, the peace of the Church would have been preserved far better than by any rigid enactments. That a very different spirit prevailed can cause us no astonishment. To the Elizabethan party some of the proposed changes seemed to be absolutely injurious, whilst others were only necessary in order to meet scruples which appeared to them to be childish and absurd.

The remainder of the petition was occupied by requests, the greater part of which deserved the serious consideration of all parties. The petitioners hoped that none should hereafter be admitted to the ministry who were unable to preach; that such of these who were already admitted should be compelled

¹ In *An Abridgement of that Book which the Ministers of Lincoln Diocese delivered to His Majesty*, 1605, p. 39, it is urged, in favour of abolishing the ceremonies, that 'many of the people in all parts of the land are known to be of this mind, that the sacraments are not rightly and sufficiently ministered without them.' The conclusion drawn was that such ceremonies ought not to be allowed to exist, because their use was detrimental to those who placed an idolatrous value upon them.

to maintain preachers ; and that a check should be put on the abuse of non-residence. It was asked that ministers should not be required to testify by their subscription to the whole of the substance of the Prayer Book, but that it should be sufficient if they subscribed to the Articles and to the King's Supremacy. With respect to the maintenance of the clergy, the petitioners suggested that the impropriations annexed to bishoprics and colleges should hereafter be let only to those incumbents of livings who were able to preach, and who were at no future time to be called upon to pay any higher rent than that which was demanded at the time when the lease was first granted. Impropriations held by laymen might be charged with a sixth or seventh part of their worth for the maintenance of a preaching ministry. They also asked for reforms in the ecclesiastical courts, especially that excommunication should not be pronounced by lay Chancellors and officials, and that persons might not be 'excommunicated for trifles and twelve-penny matters.'¹

The spirit in which this petition was met was not such as to give any hope of an easy solution of the difficulty. The Universities were the first to sound the alarm. Cambridge passed a grace forbidding all persons within the University from publicly finding fault with the doctrine or discipline of the Church of England, either by word or writing, upon pain of being suspended from their degrees. Oxford came forward with a violent answer to the petition.² If the Universities could have won their cause by scolding, the Puritans would have been crushed for ever. They were accused by the Oxford doctors of factious conduct in daring to disturb the King with their complaints. They were told that they were men of the same kind as those who had so often stirred up treason and sedition in Scotland, and that as for their eagerness to preach, it would have been a happy thing if the Church of

Proposed reforms in the discipline of the Church.

Answer by the Universities.

¹ *Collier*, vii. 267.

² *The Answer of the Vice-Chancellor, the Doctors, with the Proctors and other Heads of Houses in the University of Oxford, &c.* 1603. The Cambridge Grace is quoted in the epistle dedicatory.

England had never heard anything of their factious sermons or of their scurrilous pamphlets.

Their demands were treated with that cool insolence which scarcely deigns to argue with an opponent, and which never attempts to understand his case. It was taken for granted that no concessions could be made by the King unless he were prepared for the establishment of Presbyterianism, and it was urged that the hearts of the people would be stolen away from their Sovereign by preachers who would be sure to teach them that the King's 'meek and humble clergy have power to bind their King in chains, and their Prince in links of iron, that is in their learning) to censure him, to enjoin him penance, to excommunicate him ; yea (in case they see cause) to proceed against him as a tyrant.'

In the beginning of July, James astonished the Universities by recommending them to adopt one of the proposals of the petitioners. He informed them that he intended to devote to the maintenance of preaching ministers such impropriate tithes as he was able to set aside for the purpose, and that he hoped that they would follow his example.¹ Whitgift immediately took alarm and drew up a statement for the King of the inconveniences which were likely to result.² Nothing more was heard of the matter. The Universities were left in peace, and the King never found himself in a condition to lay aside money for any purpose whatever.

Another step had already been taken, which shows that James had felt the weight of the latter part of the petition. On May 12 a circular was sent round by Whitgift to the Bishops, demanding an account of the number of preachers in their respective dioceses. This was followed on June 30 by another letter, requiring still more particular information.³ They were to report on the number of communicants and of recusants in every parish, and were also to give a number of particulars

¹ King to Chancellors of the Universities, Wilkins's *Conc.* iv. 369. King to Heads of Houses, *S. P. Dom.* ii. 38.

² Whitgift to King, *S. P. Dom.* ii. 39.

³ Wilkins's *Conc.* iv. 368.

James proposes that the Universities shall support preaching ministers.

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In order to obtain further information on the points in dispute, he had determined that a conference should be held in his presence between certain learned men of both parties. No one, he said, could be more ready than he was to introduce amendments wherever the existence of real evils could be proved.¹

After several postponements, the antagonists met at Hampton Court on January 14. On the one side were summoned the Archbishop of Canterbury, eight Bishops, seven Deans, and two other clergymen. The other party were represented by Reynolds, Chaderton, Sparks, and Knewstubs. These four men had been selected by the King, and he could not have made a better choice, or one which would have given more satisfaction to the moderate Puritans. To the proceedings of the first day they were not admitted. The King wished first to argue with the Bishops, in order to induce them to accept a variety of changes, which were in the main such as Bacon would have approved.

On the second day the case of the complainants was heard. Reynolds commenced by urging the propriety of altering some points in the Articles, and proposed to introduce into them that unlucky formulary which is known by the name of the Lambeth Articles, by which Whitgift had hoped to bind the Church of England to the narrowest and most repulsive form of Calvinistic doctrine, and thus to undo the work of Elizabeth, who had wisely stifled it in its birth. Reynolds then proceeded to demand that the grounds upon which the rite of Confirmation rested should be reviewed. This was more than Bancroft could bear. He was at this time Bishop of London, and was generally regarded as the man who was to succeed Whitgift as the champion of the existing system. He even went beyond the Archbishop, having publicly declared his belief that the Episcopal constitution of the Church was of Divine institution. In defending the cause entrusted to him, he overstepped all the bounds of decency. Interrupting the speaker, he knelt

¹ Wilkins's *Conc.* iv. 371.

down before the King and requested 'that the ancient canon might be remembered,' which directed that schismatics were not to be listened to when they were speaking against their Bishops.

Bancroft's interruption, If there were any there who had ever subscribed to the Communion Book, he hoped that a hearing would now be refused to them, as an ancient Council had once determined 'that no man should be admitted to speak against that whereunto he had formerly subscribed.' He then proceeded to hint that, in being allowed to speak at all, Reynolds and his companions had been permitted to break the statute by which penalties were imposed on all persons depraving the Book of Common Prayer. He concluded by quoting a passage from Cartwright's works, to the effect that men ought rather to conform themselves 'in orders and ceremonies to the fashion of the Turks, than to the Papists, which position he doubted they approved, because, contrary to the orders of the Universities, they appeared before his Majesty in Turkey gowns, not in their scholastic habits sorting to their degree.'

The insolent vulgarity of this specimen of episcopal wit was too much for James. Although he fully agreed with Bancroft in his dislike of Reynolds's arguments, he could not reproved by James. but find fault with him for his unseasonable interruption. The two parties then proceeded to discuss the disputed points as far as they related to questions of doctrine. On the whole, James showed to great advantage in this part of the conference. He had paid considerable attention to matters of this kind, and the shrewd common sense which he generally had at command, when he had no personal question to deal with, raised him above the contending parties. On the one hand, he refused to bind the Church, at Reynolds's request, to the Lambeth Articles; on the other, in spite of Bancroft's objections, he accepted Reynolds's proposal for an improved translation of the Bible.

The question of providing a learned ministry was then brought forward, and promises were given that attention should be paid to the subject. The Bishop of Winchester complained of the bad appointments made by lay patrons. Bancroft, who treated the whole subject as a mere party question, took the

opportunity of inveighing against the preachers of the Puritan school, who were, as he said, accustomed to show their disrespect of the Liturgy by walking up and down 'in the church-yard till sermon time, rather than be present at public prayer.' The King answered, that a preaching ministry was undoubtedly to be preferred ; but that 'where it might not be had, godly prayers and exhortations did much good.' "That that may be done," he ended by saying, "let it, and let the rest that cannot, be tolerated."

The remaining points of the petition were then brought under discussion. Unless the Puritans have been much misrepresented,¹ their inferiority in breadth of view is conspicuous. If James had been merely presiding over a scholastic disputation, his success would have been complete. But, unfortunately, there were arguments which he could not hear from any who were before him. He was not called upon to decide whether it was proper that the ring should be used in marriage, and the cross in baptism. What he was called upon to decide was whether, without taking into consideration the value of the opinions held by either party, those opinions were of sufficient importance to make it necessary to close the mouths of earnest and pious preachers. Except by Bacon, this question was never fairly put before him. The Puritans wished that their views should be carried out in all parts of England,² and when they were driven from this ground they could only ask that respect should be paid to the consciences of the weak, a plea which did not come with

¹ With the exception of a letter of Matthews printed in Strype's *Whitgift*, App. xlv., and of Galloway's in *Calderwood*, vi. 241, and another of Montague's to his mother, *Winw.* ii. 13, our only authority is Barlow's *Sum of the Conference*. He has been charged with misrepresentation, and he evidently did injustice to the Puritan arguments which were distasteful to him, and which he did not understand. But if he had introduced any actual misrepresentation, we should certainly have had a more correct account from the other side. After all, if the arguments of the Puritans have been weakened, it is scarcely possible to find elsewhere stronger proofs of Bancroft's deficiencies in temper and character.

² The clause in the petition which relates to the cap and surplice is the only one which seems to ask for permission to deviate from an established order, instead of demanding a change of the order.

a good grace from men who had been anxious to bind the whole body of the English clergy in the fetters of the Lambeth Articles.¹

The debate which had gone on with tolerable fairness since Bancroft's interruption, received another turn, from a proposal made by Reynolds, that the Prophesyings should be restored. The restoration of these meetings had been deliberately recommended by Bacon, as the best means for training men for the delivery of sermons. It is doubtful whether James could have been brought to allow them under any circumstances, but Reynolds did not give his proposal a fair chance. He coupled it with a suggestion, that all disputed points which might arise during the Prophesyings should be referred to the Bishop with his Presbyters. At the word Presbyters James fired up. He

His anger at the mention of the word 'Presbyters.' told the Puritans that they were aiming 'at a Scottish Presbytery, which,' he said, 'agreeth as well with a monarchy as God and the devil.' "Then Jack and Tom, and Will and Dick, shall meet, and at their pleasure censure me and my Council and all our proceedings. Then Will shall stand up, and say, 'It must be thus ;' then Dick shall reply, and say, 'Nay, marry, but we will have it thus.' And, therefore, here I must reiterate my former speech, *le Roi s'aviserà*. Stay, I pray you, for one seven years, before you demand that from me, and if then you find me pursy and fat, and my windpipes stuffed, I will perhaps hearken to you ; for let that government be once up, I am sure I shall be kept in breath ; then shall we all of us have work enough, both our hands full. But, Doctor Reynolds, until you find that I grow lazy, let that alone."

From his own point of view James was right. Liberty brings with it many advantages, but it certainly does not tend to enable men in office to lead an easy life. Yet natural as it

¹ The King's reply is crushing, merely regarded as an *argumentum ad hominem*. He asked, 'how long they would be weak ? Whether forty-five years were not sufficient for them to grow strong ? Who they were that pretended this weakness, for we require not now subscription from laics and idiots, but preachers and ministers, who are not now I trow to be fed with milk, but are enabled to feed others.'

must have seemed to him to give such an answer as this, in two minutes he had sealed his own fate and the fate of England for ever. The trial had come, and he had broken down. He had shut the door, not merely against the Puritan cry for the acceptance of their own system, but against the large tolerance of Bacon. The essential littleness of the man was at once revealed. More and more the maxim, "No Bishop, no King," became the rule of his conduct. The doctrines and practices of the Bishops became connected in his mind with the preservation of his own power. He was gratified by their submissiveness, and he looked upon the views of the opposite party as necessarily associated with rebellion.

At the moment, the self-satisfaction of the controversialist predominated even over the feelings of the monarch. "If this be all they have to say," he observed as he left the room, "I shall make them conform themselves, or I will harry them out of the land, or else do worse."

The impression produced upon the bystanders was very different from that which later generations have received. One who was present said, that 'His Majesty spoke by inspiration of the Spirit of God.'¹ Cecil thanked God for having given the King an understanding heart. Ellesmere declared that he never before understood the meaning of the legal maxim that *Rex est mixta persona cum sacerdote*. It is usual to ascribe these and similar expressions to the courtier-like facility of giving utterance to flattery. In so doing, we forget that these men were fully persuaded that James was doing right in resisting the demands of the Puritans, and that men are very ready to forget the intemperate form in which an opinion may be clothed, when the substance is according to their mind.

Two days later, the King again met the Bishops, and agreed with them upon certain alterations which were to be made in the Prayer Book. It was also determined
Third day's conference. that Commissions should be appointed for inquiring into the best mode of obtaining a preaching clergy. The

¹ Barlow ascribes this speech to one of the lords. Sir J. Harington, who was also present, assigns it to a Bishop. At the next meeting Whitgift repeated it.

Puritans were then called in, and were informed that, with a few exceptions,¹ the practices which they had objected to would be maintained, and that subscription would be enforced to the whole of the Prayer Book, as well as to the Articles and to the King's Supremacy. Chaderton begged that an exception might be made in favour of the Lancashire clergy, who had been diligent in converting recusants. The King replied that as he had no intention of hurrying anyone, time would be given to all to consider their position ; letters should be written to the Bishop of Chester, ordering him to grant a sufficient time to these men. A similar request, however, which was made on behalf of the Suffolk clergy was refused.

The conference was at an end. Browbeaten by the Bishops, and rebuked in no measured or decorous language² by James, the defenders of an apparently hopeless cause went back to their labours, to struggle on as best they might. Yet to them the cause they defended was not hopeless, for no doubt ever crossed their minds that it was the cause of God, and it would have seemed blasphemy to them to doubt that that cause would ultimately prevail. Nor were they deprived of human consolation : many hearts would sympathise with them in their wrongs ; many a man who cared nothing for minute points of doctrine and ritual, and who was quite satisfied with the service as he had been accustomed to join in it at his parish church, would feel his heart swell with indignation when he heard that men whose fame for learning and piety was unsurpassed by that of any Bishop on the bench, had been treated with cool contempt by men who were prepared to use their wit to defend every abuse, and to hinder all reform.

Jan. 18.

James went his way, thinking little of what he had done,

¹ The proclamation giving public notice of this determination was issued on March 5, *Rymer*, xvi. 574 ; for the alterations themselves see 565.

² There can be no doubt that many of the excrescences have been cut off in Barlow's narrative from the King's speeches. The coarse language used by James is noticed in *Nuga Anti.* i. 181.

and scarcely remembering what had passed, except to chuckle over the adversaries whom he had so easily discomfited by his logical prowess.¹ The Bishops too imagined that their victory was secured for ever, and rejoiced in the overthrow of their

opponents. But there was at least one among them who felt that their success was more in appearance than in reality. The aged Whitgift, whose life had been passed in the heat of the conflict, discovered

the quarter from which danger was to be apprehended. He hoped, he used to say, that he might not live to see the meeting of Parliament. He was at least spared that misfortune.

A few weeks after the conference, his earthly career was at an end. While he was lying in his last illness, the King came to visit him. He found the old man lying almost insensible, but

able to mutter a few words. All that could be heard was, '*Pro ecclesiâ Dei: pro ecclesiâ Dei.*' Narrow-minded and ungentle by nature and education, he had provoked many enemies; but he at least believed that he was working for the Church of God.

Parliament, the very name of which had caused such anxiety to Whitgift, was a very different body from those representative assemblies which still existed upon the

Continent—the mere shadows of their former selves. Many causes concurred in producing this difference.

But the main cause lay in the success with which England itself had grown up into a harmonious civilisation, so that its Parliament was the true representative of a united nation, and not a mere arena in which contending factions might display their strength.

¹ The King to Northampton, *Ellis*, 3rd ser. iv. 161. Here and elsewhere this letter is said to be written to an otherwise unknown Mr. Blake. It is printed as beginning 'My faithful Blake, I dare not say, faced 3,' which is mere nonsense. In the original MS. the word is 'blake,' not commencing with a capital letter. 3 is always the cypher for Northampton in James's correspondence. What James meant was no doubt 'My faithful black, I dare not say (black) faced Northampton.' Northampton had, I suppose, objected to being called blackfaced. 'Blake' is equivalent to 'black.' In Spottiswoode, for instance, the name of the St. Andrewes' preacher, David Black, is printed Blake.

Where this process of 'amalgamation has not been completed, parliamentary government, in the true sense of the word, is an impossibility. When Louis XIV. astonished the world by declaring that he was himself the State, he was un-awares giving utterance to the principle from which he derived his power. In the France of his day, it was the monarch alone who represented the State as a whole, and, as a natural consequence, he was able to trample at his pleasure upon the bodies in which nothing higher was to be seen than the representatives of a party or a faction. If a representative assembly is to succeed in establishing its supremacy over a whole country equal to that which is often found in the hands of an absolute monarch, it must first be able to claim a right to stand up on behalf of the entire nation. The position which was occupied by the House of Commons at the close of the reign of Elizabeth, was due to the complete harmony in which it stood with the feelings and even with the prejudices of all classes of the people.

The right of representing the people was practically confined to the higher classes, who alone could afford the expense of a residence in Westminster. But in scarcely a single instance did they owe their election, at least ostensibly, to their equals in rank. To secure a seat, it was necessary to obtain the favour of those whose interests were more or less different from their own. County members were dependent upon their poorer neighbours, who formed the mass of the forty-shilling freeholders. The borough members, with all the habits and feelings of gentlemen, were equally dependent upon the shopkeepers of the towns for which they sat. Originally, the right of voting in the boroughs had been vested in the resident householders ; but this uniformity had given way before the gradual changes which had passed over the several boroughs. In some places, the franchise had been considerably extended ; in others, it had been no less considerably narrowed. One member was chosen by almost universal suffrage ; another, by a close corporation consisting of the most respectable and intelligent inhabitants. In the smaller boroughs, indeed, the selection of a representative was practi-

cally in the hands of the most influential amongst the neighbouring proprietors ; but even the form of an election prevented him from nominating persons who would be altogether distasteful to those whose votes he wished to secure. The effect of this was that, except in the case of agricultural labourers, who were, perhaps necessarily, altogether excluded from the suffrage, all class legislation was impossible.

Another change, which had been silently introduced, was of still greater importance. The old rule had been relaxed, which forbade any member to sit for a place in which he was not a resident. If this rule had continued in force, the House would still have represented the popular will, but it would have been sadly deficient in intelligence and ability. Some evil, no doubt, resulted, and persons obtained seats who only owed them to the good-will of a neighbouring proprietor ; but this was as nothing in comparison with the advantage which arose from the introduction into the House of a large body of men of ability, recruited especially from amongst the lawyers, who became known to the electors by the talent which they displayed at the bar. The services which this class of men rendered to the cause of freedom were incalculable. The learning of the ablest lawyers in the sixteenth century may have been small in comparison with the stores of knowledge which may be acquired in our own day ; but, relatively to the general level of education, it stood far higher. A few years later a race of Parliamentary statesmen would begin to arise from amongst the country gentlemen ; but, as yet, almost all pretensions to statesmanship were confined to the council-table and its supporters. For the present, the burden of the conflict in the Commons lay upon the lawyers, who at once gave to the struggle against the Crown that strong legal character which it never afterwards lost.

It was to its position as the representative of a united nation that, above all other causes, the House of Commons owed its growing desire to take a prominent part in the guidance of the nation. In struggling against the Catholics, indeed, the Government of Elizabeth had been armed by Parliament and by public opinion with

Causes of the
national love
of liberty.

extraordinary powers ; but those powers had been required to resist the foreign enemy far more than the English Catholics themselves, who had suffered most from their exercise. Accordingly, a much smaller amount of repression had been needed than would have been required if the nation had been divided against itself. Yet even this repression had left results behind it which were likely to give much trouble. Institutions have a tendency to survive the purposes to which they owe their existence, and it was only natural that James should claim all the powers which had once been entrusted to Elizabeth. On the other hand, it was unlikely that he would be allowed to retain them without a struggle. There was no imminent danger, which made men fear to weaken the Government even when they disapproved of its action.

Between the Crown and the House of Commons the House of Lords could only play a subordinate part. It had no longer sufficient power to act independently of both. For the present it was, by sympathy and interest, attached to the Government, and it acted for some time more in the spirit of an enlarged Privy Council than as a separate branch of the legislature. It is in its comparative weakness that its real strength consists. If it had been able to oppose a barrier to the Crown, or to the Commons, it would have been swept away long ago. It has retained its position through so many revolutions because it has, from time to time, yielded to the expressed determination of the representatives of the people ; whilst it has done good service more by the necessity which it imposes upon the House of Commons of framing their measures so as to consult the feelings of others besides themselves, than by the labours in which it has been itself employed.

On January 11, 1604, a proclamation was issued calling upon the constituencies to send up members to a Parliament.

Proclamation for summoning Parliament.

In this proclamation, James gave his subjects much good advice, which would now be considered superfluous. He recommended them to choose men fitted for the business of legislation, rather than such as looked to a seat merely as a means of advancing their private interests. In

respect to religion, the members should be neither 'noted for superstitious blindness one way,' nor 'for their turbulent humours' on the other. No bankrupts or outlaws were to be chosen; and all elections were to be freely and openly made. Thus far no great harm was done. But the remainder of the proclamation, which owed its origin to the advice of the Chancellor, was sure to rouse the most violent opposition. The King ordered that all returns should be made into Chancery, where, if any 'should be found to be made contrary to the proclamation,' they were 'to be rejected as unlawful and insufficient.'¹

On March 19 the Parliament met. Men felt that a crisis was at hand. Never had so many members attended in their places.² They came not without hopes that they would not return home until they had been allowed to sweep away at least some of the grievances of which they complained.

Since the last Parliament had met, one change had taken place which distinctly marked the altered relations which were to subsist between the Crown and the House of Commons. Elizabeth had always taken care that at least one of her principal statesmen should occupy a place amongst the representatives of the people. During the latter years of her reign this duty had devolved upon Cecil. The Secretary was now removed to the House of Lords, and he left none but second-rate officials behind him. With the exception of Sir John Herbert, the second, or, as we should say, the Under-Secretary, a man of very ordinary abilities, not a single Privy Councillor had a seat in the House. Sir Julius Caesar, Sir Thomas Fleming, Sir Henry Montague, and a few others who either held minor offices under Government, or hoped some day to be promoted to them, were all respectable men, but

¹ *Parl. Hist.* i. 967. There are two sets of notes for the proclamation in the *Egerton Papers*, 384: one is in Popham's hand; the other, founded on it, in Ellesmere's. The latter alone contains the directions for the reference of disputed elections to Chancery, showing that this assumption originated with him.

² In consequence, additional seats were ordered, *C. J.* i. 141.

there was not one of them who was capable of influencing the House of Commons.

There was, however, one man in the House who might have filled Cecil's vacant place. At the commencement of this session, Sir Francis Bacon stood high in the estimation of his contemporaries. Two boroughs had elected him as their representative. His fellow-members showed their appreciation of his abilities by entrusting him with the greatest share in their most weighty business. Scarcely a committee was named on any matter of importance on which his name did not occur, and he generally appeared as the reporter, or, as we should say, the chairman, of the committee. If a conference was to be held with the House of Lords, he was almost invariably put forward to take a leading part in the argument. Nor is this to be wondered at ; not only were his transcendent abilities universally recognised, but at this time all his opinions were in unison with those of the House itself. Toleration in the Church and reform in the State were the noble objects which he set before him. If James had been capable of appreciating Bacon's genius, the name of the prophet of natural science might have come down to us as great in politics as it is in philosophy. The defects in his character would hardly have been known, or, if they had been known, they would have been lost in the greatness of his achievements. For the moment, as far as his parliamentary career was concerned, he was borne onwards on the full tide of success. His errors and his fall were yet to come. It is true that his conduct at the trial of Essex had shown that he was not possessed of those finer feelings which might have saved him from many of his greatest mistakes ; but, excepting to the friends of Essex himself, that conduct does not seem to have given offence. Excess of submission to Elizabeth was a fault to which Englishmen were disposed to be lenient, and the limits within which public duty ought to overrule private friendship were drawn at a very different line from that which they at present occupy. Yet with all this, he was a dissatisfied man. He had now reached the mature age of forty-four, and he had long been anxious to be in a position from which he might carry out the great policy which he knew to be necessary for

the well-being of the nation. The new King had looked coldly upon him. It is sometimes said that his share in the condemnation of Essex had told against him. But that James continued to feel respect for the memory of Essex is, to say the least of it, very problematical. However this may have been, there were other obstacles in his path. Bacon always believed that Cecil was envious of his talents. It is not improbable that the practical statesman regarded his cousin as a visionary ; and Cecil had the ear of the King. Bacon retained, indeed, the title of King's Counsel, and he drew the salary, such as it was ; but he was not admitted to any participation in the affairs of government.

Next to Bacon, no man enjoyed the confidence of the House more than Sir Edwin Sandys. Without any pretensions to Bacon's genius, he possessed a large fund of common sense. The friend and pupil of Hooker, he was no Puritan ; but, like so many others amongst his contemporaries, he had learned to raise his voice for the toleration of those with whom he did not wholly agree.

Of the other members, there are few who deserve especial mention. Nicholas Fuller was there, full of Puritan zeal—a hasty and, in some respects, an unwise man. Hake-
Fuller, Hakewill, Wentworth, and the Hydes. will too, who in a former Parliament, when the list of monopolies was read, had called out to know if bread were among them ; Thomas Wentworth, whose father had suffered for his resistance to arbitrary power in the late reign ; the two Hydes, and a few others, made up a little knot of men who would not allow their voices to rest as long as the grievances of the nation were unredressed.

Through some mistake, the Commons were not present when the King came down to the House of Lords to open the session. James, desirous that they should hear his
March 22. The King's speech. views from his own lips, repeated to them the speech which he had already delivered in the Upper House. He told them that he was unable to thank them sufficiently for the ready welcome which he had met with on his journey into England. He had brought with him two gifts, which he trusted that they would accept in place of many words : one was peace

with foreign nations—the other was union with Scotland. To the Puritans he declared himself decidedly opposed, not because they differed from him in their opinions, but because of ‘their confused form of policy and parity; being ever discontented with the present Government, and impatient to suffer any superiority, which maketh their sect unable to be suffered in any well-governed commonwealth.’ As to the Papists, he had no desire to persecute them, especially those of the laity who would be quiet. Since his arrival, he had been anxious to lighten the burdens of those amongst them who would live peaceably, and he had been looking over the laws against them in hopes that ‘some overture’ might be ‘proposed to the present Parliament for clearing those laws by reason . . . in case they have been in time past further or more rigorously extended by the judges than the meaning of the law was, or might lead to the hurt as well of the innocent as of the guilty persons.’ With respect to the clergy, as long as they maintained the doctrine that the Pope possessed ‘an imperial civil power over all Kings and Emperors,’ and as long as they held that excommunicated sovereigns might be lawfully assassinated, they should not be suffered to remain in the kingdom. Although the laity would be free from persecution they would not be allowed to win over converts to their religion, lest their numbers should increase so as to be dangerous to the liberties of the nation and the independence of the Crown. As to the laws which were to be made in Parliament, he said, “I will thus far faithfully promise unto you that I will ever prefer the weal of the body of the whole Commonwealth, in making of good laws and constitutions, to any particular or private ends of mine, thinking ever the wealth and weal of the Commonwealth to be my greatest weal and worldly felicity—a point wherein a lawful King doth directly differ from a tyrant. . . . I do acknowledge . . . that whereas the proud and ambitious tyrant doth think his kingdom and people are only ordained for the satisfaction of his desires and unreasonable appetites, the righteous and just King doth by contrary acknowledge himself to be ordained for the procuring of the wealth and prosperity of his people.” It remained to be seen how far James’s wisdom could embrace all the wants of his

people, and how far his temper could stand under the annoyances to which he would be subjected as soon as they ventured to oppose him.

Some time was to elapse before the Commons were able to devote their attention to those important questions relating to the Catholics and the Puritans on which James had expressed a decided opinion.

Upon their return to their own House two cases of privilege came before their notice. One of these brought up the old question of the freedom of members from arrest, though in the present case it was complicated by a further question as whether such a privilege extended to them before the day of the meeting of Parliament. Sir

*Sherley's
case of
privilege.*

Thomas Sherley, the member for Steyning, had been, after his election, lodged in the Fleet, at the suit of a City tradesman. The House claimed his presence as a member, and he took his seat on May 15. This success, however, was not obtained without much difficulty. It

March 15.

was not until the Warden of the Fleet had been committed not only to the Tower, but to the dungeon known by the expressive name of Little Ease, and the intervention of the King himself had been obtained, that he consented to liberate the prisoner. It is gratifying to know that the filthy condition in which the dungeon was found was excused to the House on the ground that it had not been used for many years.¹

The other case was of much greater importance, as it at once brought the House, in spite of itself, into collision with the Crown. Sir Francis Goodwin had been elected for

*Goodwin's
case.*

Buckinghamshire, where he owed his seat to the votes of the smaller freeholders, his opponent, Sir John Fortescue, a Privy Councillor, having been supported by the gentry of the country. In accordance with the King's proclamation, the Court of Chancery had declared the election void, on the ground that Goodwin was an outlaw; and upon a second election, Fortescue had been chosen to the place which was thus supposed to be vacant. On the day after the matter had been moved

¹ C. J. *passim* from March 22 to May 22, i. 149-222.

In the House, Goodwin was summoned to the bar, and, as his case had been heard, he was ordered to take his seat.

A few days afterwards the Lords sent a message to the Commons, asking for information on the subject. At first the

Commons refused to grant their request, as being unconstitutional ; but, upon a second message, informing them that the demand had been made at the King's desire, they agreed to a conference in order to justify themselves. In

this conference they stated that, from the omission of certain technicalities in the proceedings taken against him, Goodwin was not an outlaw in the eye of the law ; and that, even if he were, they could produce instances in which outlaws had taken their seats in the House. The King, in replying to them, took the whole affair out of the region of forms and precedents, and

raised a question of constitutional law, which was a matter of life or death to the Commons. " He had no purpose," he told them, " to impeach their privilege, but since they derived all matters of privilege from him, and by his grant, he expected that they should not be turned against him. . . . By the law, the House ought not to meddle with returns, being all made into Chancery, and are to be corrected or reformed by that court only into which they were returned." He then proceeded to argue against their assertion that an outlaw could take his seat, and advised them to debate the question and to confer with the judges.

As soon as these expressions were reported to the House, the members knew that it was impossible for them to give way.

Whatever might be the advantages of bringing questions of disputed elections before a regular and impartial tribunal (if such a one could be found), they knew that to yield the point to the King was equivalent to abdicating their independent position for ever. Without any settled design, James had simply proposed to make it possible for himself, or for a future sovereign, to convert the House of Commons into a board of nominees.

It is impossible to refrain from admiring the prudence of the House in this difficulty. Mainly under Bacon's guidance they

threw aside all unimportant parts of the question, and restricted their opposition to the main point. They appointed a committee to draw up a reply to the King, and, at the same time, brought in a Bill to disable out-laws from sitting in Parliament for the future.

The
Commons
resist.

On April 3 the Committee, with Bacon at its head, carried up the answer of the Commons to the Upper House, and requested that it might be laid before the King. They showed that they had always decided in cases of disputed election, and they denied that they had come precipitately to a conclusion in the present instance. They refused to confer with the judges.

April 3.

Two days after this the King informed them that he had as great a desire to maintain their privileges as ever any prince had, or as they had themselves. He had seen and considered of the manner and the matter, he had heard his judges and council, and he was now distracted in judgment ; therefore, for his further satisfaction, he desired and commanded, as an absolute king, that there might be a conference between the House and the judges, in the presence of his council, who would make a report to him.

April 5.

The Commons again gave way on the point of etiquette. There were signs that it was only thus that they could secure unanimity. Some of the members were frightened at James's tone. "The Prince's command," said Yelverton, "is like a thunderbolt ; his command upon our allegiance is like the roaring of a lion."

This discussion with the judges, however, never took place. James acknowledged to the committee which had drawn up the reply of the House, that it was the proper judge of the returns. But he asked the Commons, as a personal favour, to set aside both the parties, and to issue a writ for a new election. It is no disparagement to them that they gave way once more. They could not suffer a great cause to be wrecked upon a question of etiquette. It was well known that Goodwin was not anxious to retain his seat. He had even attempted, at the election, to induce the electors to transfer their votes to Fortescue. To satisfy those members

A com-
promise.

who were reasonably jealous of compromising the dignity of the House, a letter was obtained from Goodwin, declaring his readiness to submit to the arrangement.¹

That the substantial advantage remained with the Commons is evident from the fact that they proceeded, without opposition, to investigate two other cases of disputed election. Both the King and the House had come with credit out of the controversy. Unhappily it did not follow that a similar spirit of compromise would be shown when questions arose which involved a difference of principle.

Meanwhile, neither House had been idle. The Commons, especially, were bent on doing work. Questions of reform, which had been left untouched during the life of Elizabeth, were now ripe for solution. All had felt the indelicacy of pressing her for changes which she would have considered to be injurious to her rights. She had served England well enough to be humoured in her old age. But that obstacle having been removed, the representatives of the people approached these questions in no disloyal or revolutionary spirit. They did not force their demands upon James because he was weaker than his predecessor. If he had been the wisest and ablest of rulers, they would still have asked him to make the redress of grievances the first act of his reign.

One of the first steps taken by the Government was to introduce a Bill recognising James's title to the throne, in order, by acknowledging the principle of hereditary right, to give a final blow to any claims which might be put forward by the representatives of the Suffolk line. As a proof of loyalty, the Bill was hurried through both Houses with all possible expedition. It was read for the first time in the House of Lords on March 26, and on the 29th it had reached a third reading in the Commons.

On the same day as that on which this Bill was brought in, Cecil moved for a conference with the Lower House on the subject of the abuses of Purveyance. During the discussion

¹ C. J. i. 149-169; *Parl. Hist.* i. 998-1017; Bacon's *Letters and Life*, iii. 164.

in the House of Lords on this motion, a message was brought up from the Commons asking for a conference, in order that a petition might be drawn up upon the subject of Wardship. The feudal system was dead, and its relics were cumbering the ground. The abuses of Purveyance had come down from the days of the first Norman sovereigns. When each little district was self-supporting, the arrival of the King's court must have seemed like the invasion of a hostile army. Even if the provisions consumed had been paid for, the inhabitants would have had much difficulty in replacing their loss. But it frequently happened that they were taken without any payment at all. The time came, at last, when other powers made themselves heard than that of the sword; and when the representatives of the towns joined the knights and barons in Parliament, this was one of the first grievances of which they complained. Session after session new remedies were assented to by the King, and statutes were passed with a frequency which gives too much reason to suspect that they were broken as soon as made. At first the Commons contented themselves with asking that purveyors should be prohibited from appropriating to their own use money which they had received from the Exchequer for the acquittal of debts contracted in the performance of their duty.¹ Twenty-two years later they had risen in their demands, and obtained an assurance that nothing should be taken without the assent of the owner.² In the reign of Edward III. various statutes were made upon the subject. At one time the King promised that nothing should be taken without the owner's assent.³ At other times he agreed that the purchases were to be appraised by the constable and four discreet men of the neighbourhood.⁴ Purveyors who gave less than the price fixed were to be arrested by the town, to be put in gaol, and, upon conviction, to be dealt with as common

¹ 3 Ed. I. stat. West. 1, cap. 32.

² 25 Ed. I. stat. de Tallagio, cap. 2.

³ 14 Ed. III. stat. 1, cap. 19.

⁴ 4 Ed. III. cap. 3; 5 Ed. III. cap. 2; 25 Ed. III. cap. 1; 36 Ed. III. cap. 2.

thieves. In the reign of Henry VI. it was even declared that all persons had a right of openly resisting the offenders.

In spite of these, and many other similar statutes, the grievances complained of still continued unabated. The Commons drew up a Bill declaring the illegality of these abuses, but, at the same time, that there might be no complaint against their proceedings, they prepared a petition in which they proposed to lay their case before the King. They assured him that they had no wish to infringe upon his rights, but the grievances of which they complained had been declared to be illegal by no less than thirty-six statutes. They alleged that the cart-takers, whose business it was to find carriage for the King's baggage whenever he moved, were guilty of the grossest abuses in order to put money into their own pockets. They would often order the owners of eight or nine hundred carts to send them in, when two hundred would be sufficient. By this means they hoped that bribes would be offered them by the owners, who would all be anxious to obtain their discharge. Those who were unable or unwilling to pay were often detained for a week before they were allowed to go. Twopence a mile was allowed to those actually employed, which was calculated upon the distance which they had travelled to the place of loading, whilst nothing at all was given for their actual service, or for the return journey. After some hundreds of persons had bribed the officers for exemption, the remainder of the inhabitants of the county were required to make up the full number of carts. What was worse still, the cart-takers were frequently in the habit of selecting tired horses, in the expectation that the owners would be ready to pay money to let them go.

The purveyors themselves were quite as bad. Instead of paying for goods according to the appraisement, they were accustomed to call in strangers of their own choice to make a second valuation, and often forced upon the owners a mere fraction of the sum really due. They frequently refused to pay in ready money, and they committed to prison the constables who assisted those who stood out against their illegal proceedings. In the teeth of the prohibition of the law, they

Bill brought
in against
the abuses of
purveyors.

April 27.
Petition to
the King.

would cut down the trees round a country gentleman's mansion. Even justices of the peace had been imprisoned for hearing cases against purveyors, although the law expressly required them to take cognisance of such matters.¹

James answered that he was desirous to remove all causes of complaint ; but that he believed arrangements had been made by which such cases could not possibly recur. The King's answer. He wished, however, that the Commons would confer with the Council on the matter. Some of the officers of the household, who were standing by, declared that all complaints were invariably listened to, and that justice was always done.

A few days after this interview, another attempt was made to obtain the co-operation of the Lords. It is characteristic of the different spirit which prevailed in the two Houses, May 8. Opinion of the Lords. that the Lords proposed a Sunday as the best day for the conference.² The Commons requested them to fix upon some other day, as they were determined not to do any business on the Sabbath. With respect to the proposed measure, the Lords showed no mercy to the purveyors, whom they spoke of as harpies. But on a most important point there was a wide difference of opinion. The Commons held that, as the abuses of which they complained were illegal, the King was not in a position to ask for compensation for abandoning them. The Lords knew that the King's expenses far surpassed his receipts. They questioned whether the King could afford to remit anything to his subjects at present, and they proposed an annual grant of 50,000*l.* in lieu of purveyance. In defence of this suggestion they took up the unlucky ground that, as there were many penal laws which the King did not press, he had a right to look to his people for some indulgence in return. In other words, the King and the nation were to regard one another as parties to a bargain ; the loss of the one was to be the gain of the other. This error was destined to be the leading idea of the Kings of England through more than eighty

¹ *C. J.* i. 190 ; Bacon's *Letters and Life*, iii. 181.

² At this time Sunday was the day upon which a meeting of the Privy Council was always held after service.

weary years. They never could comprehend that, if the interests of the Sovereign were really distinct from the interests of nation, one of the two must give way, and that such a course could only end in their own ruin.¹

Upon this the Commons summoned the officers of Board of Green Cloth, who presided over the whole system to give evidence. The answers given by these men are curious as showing the lengths to which official persons will sometimes go. They raked up obsolete statutes to justify the gross abuses. They asserted their right to exercise the most tyrannical power ; and, whenever any charge was made against them for which even they found it impossible to invent an excuse, they boldly denied the facts. The opposition which the Commons met with in the matter of their efforts to deal with purveyance was only equalled by the opposition which they met with in Court of Wards.

In dealing with the question of purveyance, the House at least at first, been contented with lopping off the abuses

March. but with Wardship the case was different.
Objections to the Court of Wards. whole system was one huge abuse. But, whatever was, it was strictly legal. It was a system by which every King of England had profited since the days of the Conqueror. There was therefore no mention of proceeding with a Bill, but the Lords were asked to join in petitioning the King for leave to treat with him on the subject. The King's prerogative was unquestioned ; but it was hoped that he would yield his rights in consideration of the grant of a large and certain yearly revenue. The system itself might have had some show of reason to support it in the days when feudalism was still in vigour. Sovereignty brings with it, even in our own times, obligations which in some cases interfere with personal and domestic liberty ; and, in the Middle Ages, every man who held a place in the feudal hierarchy was in some respects a sovereign. The ownership of land carried with it the title to command a greater or less number of men : it was, therefore, only natural that when the owner was a minor, and, in consequence,

¹ C. 7. i. 204 ; L. 7. ii. 294.

unable to take his place at the head of his vassals, the lord should take the land into his own hands, and should receive the profits, as long as there was no one to perform the duties attached to the tenure. For similar reasons, it was not repugnant to the feelings of the age, that where the heir was a female, the lord should take an interest in the disposal of her hand, and should claim a right to select the husband who was in future to have at his command the vassals of the heiress in question¹. If the colonelcies of regiments were heritable property, similar regulations might be found necessary even in the nineteenth century.

This right not being confined to the Sovereign, but being shared in by all who had vassals depending upon them, the lords were by no means eager, as long as the feudal system really lasted, to exclaim against it. The evils against which the Great Charter provided were abuses with which the system itself had become encrusted. Gradually, however, the old theory sunk into oblivion, and the King's claims upon wards dwindled into a mere machinery for bringing in money in a most oppressive manner. Men were dissatisfied with the thought that it was possible that, at their death, their lands might undergo a temporary confiscation, and with the knowledge that their daughters might have to bribe some courtier in order to escape from an obnoxious marriage. When the feudal militia ceased to be the army of the nation, every reason for the maintenance of the Court of Wards came to an end. The legal right remained, but the duties with which it was, in theory, connected, had long ago ceased to be performed.

March 26.
The Lords
concur in a
petition on
the subject
of wardship.

This being the state of opinion on the subject, the Lords readily concurred with the Commons in desiring relief.² It was not till May 26 that the Commons brought forward a definite proposal. They offered to raise a revenue which would be larger than any that

¹ The lords claimed the right of the marriage of even male heirs, but it is difficult to see on what principle.

² *C. J.* i. 153.

the King had ever obtained from the Court of Wards, and to grant pensions to the officers of the Court for the remainder of their lives. They were not precipitate in their measures. All that they asked for was a general approbation on the King's part. If they obtained this, they would appoint commis-

May 26.
Proposal
of the
Commons. sioners who should during the recess inquire into the proportion of the burden borne by different counties and individuals, in order that, in the course of the next session, arrangements might be made for offering a sufficient composition to the King and also to those subjects who possessed a similar right over their tenants.

At a conference between the Houses held on May 26,¹ the Lords, under the influence of the Court, threw cold water on even this moderate scheme. They expressed doubts whether it would be possible to raise a sufficient revenue, and blamed the Commons for wasting time

The Lords
throw cold
water on it.

over questions of privilege and purveyance, though this latter point had been first moved in their own house. They recommended that the question of Wardships should be dropped till the next session. Four days later the King summoned the Commons into his presence and censured their proceedings bitterly.

May 30.
The King
scolds the
Commons.

James, in fact, was thoroughly dissatisfied at their slow progress in a matter on which he had set his heart. At the time when he gave way to them on the subject of the Buckinghamshire election, he pressed them to take in hand his favourite measure for a union with Scotland. He wished, as he told them, to leave at his death 'one worship of God, one kingdom entirely governed, one uniformity of law.'² He saw the advantages which would accrue to both countries from a complete union, and longed to anticipate the fruits which would eventually spring from the carrying out of his project.³ His constitutional

April 13.
The pro-
posed union
with Scot-
land.

¹ *L. J.* ii. 309; *C. J.* i. 230.

² *C. J.* i. 171.

³ The charge, that he wished for the Union in order to be able to gratify his Scotch favourites, can only be made by those who forget that he had it in his power to make any foreigner a denizen, and thus to enable

impatience made him anxious that the work should be accomplished by his own hands. His ignorance of human nature brought him speedily into collision with his subjects on this point. It had not been for want of warning : Cecil, as usual, had given him good advice. He told him that the two nations were not ripe for a union as long as they continued to look upon one another with hostile eyes. In process of time, such a measure would be heartily welcomed. All that could now be done was to appoint commissioners on either side, who might discuss the whole question, and determine how far it was practicable to remove the barriers by which the two nations were separated.¹ It was all in vain ; James was in such haste to see a marriage between the kingdoms, that he would not allow time for the preliminary courtship.

The disposition of the House of Commons was at once tested by the proposal that they should immediately agree to James's assumption of the title of King of Great Britain. April 14.
Proposed
title of King
of Great
Britain. They felt that in this, which was apparently a mere verbal question, the most important consequences were involved. Bacon expressed the whole difficulty in a few words, when he asked, " By what laws shall this Britain be governed ? " In those days of undefined prerogative, it was impossible to say what claims might not be raised : James might attempt to amalgamate the legislatures by proclamation, or he might fill the public offices of State with his countrymen, without leaving any legal ground of resistance.² The Commons therefore thought that there should be some agreement as to the terms of the union before

him to hold lands granted by the Crown, and that his chief favourites were naturalised by Act of Parliament in this session.

¹ Cecil begged the King to postpone the Union, and '*seulement d'assembler des commissaires députés et choisis d'une part et d'autre à fin de comparer et accorder des moïens de la bien faire, et cependant donner loisir aux peuples de se hanter, et se lier doucement par mariages.*'—Beaumont to the King, Feb. ¹⁹/₂₉, 1604. *King's MS.* 125, fol. 29.

² It must not be forgotten that the subsequent naturalisation of the *Postnati* was carried through by the legal technicalities of the lawyers, in defiance of the wish of the House of Commons

it was ratified by the assumption of a title. The King gave way courteously at first, but he soon grew vexed and angry. Cecil must have felt his triumph when the project of a charter of name was abandoned, and the King consented to the appointment of such a commission as his prudent Secretary had recommended. A Bill was brought in, naming twenty-eight commissioners, who were taken equally from the two Houses to confer with a similar body appointed by the Scots; and it was understood that Parliament was to meet again in the following year, in order to receive their report.

It was hardly possible that James should retain his good humour. In this matter of the Union, the Commons must have appeared to him as narrow-minded pedants, eager to raise paltry objections to a magnificent display of statesmanship which they were unable to comprehend. His ill-humour was aggravated by the conduct taken by the Commons with regard to ecclesiastical affairs. He had decided against the Puritans, and it was commonly said that three parts of the House were Puritans. If so, they were Puritans of a very different stamp from those who, after nearly forty years of arbitrary government, filled many of the benches of the Long Parliament. They committed to the Tower a man who presented a petition in which Bishops were described as antichrists. They would have been ready to assent to any guarantees which the King might think necessary for maintaining his supremacy in the Church, as well as in the State; but they took a truer view of ecclesiastical questions than James or his bishops were able to take, and they saw that unless concessions were made, all vitality would quickly depart from the Church. If differences were not allowed to exist within, they would break out elsewhere. Little as they thought what the consequences of their acts would be, Elizabeth and Whitgift, James and Bancroft, by making a schism inevitable, were the true fathers of Protestant dissent.

Perhaps such a schism was sooner or later unavoidable, but if the Commons had been allowed to carry out their view

April 29.
The Commons dissatisfied with the Hampton Court settlement.

¹ Sir R. Wingfield's account of his speech, *S. P. Dom.* vii. 2.

might have been long delayed. The moral earnestness of Puritanism would not have been embittered by a long struggle for existence. It would have escaped the worst trial which religion knows—the trial of political success. Men like Baxter, and men like Jeremy Taylor, would have laboured together as brethren in one common faith; truth and godliness would have worked their way insensibly, quietly influencing the whole social fabric in their course. But these are visions; the sad reality presents us with a very different picture.

On April 16, Sir Francis Hastings moved for a committee, April 16. Proceedings of the Commons in ecclesiastical matters. to consider 'of the confirmation and re-establishing of the religion now established within this kingdom; as also of the settling, increasing, and maintaining a learned ministry, and of whatsoever else may incidentally bring furtherance thereunto.'

The King immediately sent to request that the House, They refuse to confer with Convocation. before entering upon such matters, would confer with Convocation. The Commons, always jealous of that body, sent a distinct refusal, though they expressed their readiness to treat with the Bishops as Lords of Parliament.

They accordingly empowered the committee to propose to the Lords that, in accordance with the Act of 13 Elizabeth, May 5. Proposals sent to the Lords. ministers should be required to subscribe to those articles only which related to doctrine and the sacraments, and that all persons hereafter admitted to the ministry should be at least Bachelors of Arts, and should have the testimony of the University to their moral conduct and ability to preach. If, however, anyone was desirous of ordination who had not studied at either of the Universities, a similar testimonial from six preachers of his own county was to be sufficient. They asked that no more dispensations might be granted for pluralities and non-residence, and hoped that some augmentation might be afforded to small livings of less than the annual value of 20*l*. Lastly, they begged the Lords to join them in putting a stop to the deprivation of men who objected only to the use of the surplice and of the cross in baptism, 'which,' as they said, almost in the very words of Bacon, if,

indeed, he were not himself the framer of these proposals, 'turneth to the punishment of the people.'¹

Finding the Lords but lukewarm in the cause, they brought in two Bills in their own House—one directed against pluralities, of which we have no particulars, and the other providing for a learned and godly ministry, embracing the opinions which they had expressed in their conference with the other House,² but adding a clause which have been a terror to all unfit expectants of benefices. It was to be enacted that, if any person were afterwards inducted without the testimonials required, the parishioners might fully withhold from him the payment of tithes. It is needless to say that both Bills fell through in the Lords.

The condition of business in the House of Commons was therefore by no means satisfactory, when on May 30 the King addressed them in terms of disparagement on this subject. Sore as they were at the language in which he spoke, they resolved to show him by their answer that they were not to blame. On June 1 they determined to abandon the subject of wardships at the following session, and on June 2 they carried a similar resolution on the subject of purveyance. At the same time the Bill naming commissioners to inquire into the Union was hurried through the House and sent up to the Lords. James was gratified with the result of his expressions of displeasure, and on June 5 he sent a message to the Commons, thanking them for what they had done.³

The Commons, on their part, naturally desired to defend themselves. During the next fortnight they were busily employed in drawing up an Apology for their proceedings, and on June 20 it was completely read in the House.

The Commons, in whose name it was drawn up, began by explaining that they were under a necessity of justifying

¹ C. J. i. 199.

² S. P. Dom. viii. 66.

³ C. J. i. 230-232.

conduct. They acknowledged that the King was a prince eminent for wisdom and understanding, yet as it was impossible for any man, however wise, to understand at a glance the customs of a whole people, he had necessarily been dependent upon others for information. They were sorry to find that he had been grievously misinformed, both with respect to the condition of the people and the privileges of Parliament. They thought it better, therefore, to speak out, and not to leave these misunderstandings as seeds for future troubles.

They had, first, to defend themselves against an insinuation which had been made by one of the Lords, that they had welcomed the King rather from fear of the consequences which would have ensued upon rejecting him, than from any love which they bore to his person. They protested their loyalty to him, and assured him that they had looked forward to his reign with hopefulness, as expecting that under him religion, peace, and justice would flourish, and that 'some moderate ease' would be afforded 'of those burdens and sore oppressions under which the whole land did groan.' Remembering 'what great alienation of men's hearts the defeating of good hopes doth usually breed,' they could not do better than set forth the grievances which were universally felt.

The misinformation delivered to the King consisted of three points—first, that they held 'not' their 'privileges as of right'; secondly, that they 'were no court of record, nor yet a court that can command view of records'; and lastly, that the examination of the returns of writs for knights and burgesses is without 'their compass, and due to the Chancery.'

"From these misinformed positions, Most Gracious Sovereign," they proceeded to say, "the greatest part of our troubles, distrust, and jealousy have arisen, having apparently¹ found that in this first Parliament of the happy reign of your Majesty, the privileges of our House, and therein the liberties and stability of the whole Kingdom, hath been more universally and

¹ Here and always 'apparently' means 'plainly.'

dangerously impugned than ever, as we suppose, since the beginning of Parliaments. For although it may be true that in the latter times of Queen Elizabeth, some one privilege, more and then, were by some particular act attempted against, it was not the same ever by so public speech, nor by position in general, denounced against our privileges. Besides that regard of her sex and age, which we had great cause to tend and much more upon care to avoid all trouble which by wicked practice might have been drawn to impeach the quiet of your Majesty's right in the succession, those actions were then passed over which we hoped, in succeeding times of freer access to your Highness' so renowned grace and justice, to redress, store, and rectify ; whereas, contrarywise, in this Parliament which your Majesty in great grace, as we nothing doubt, tended to be a precedent for all Parliaments that should succeed clean contrary to your Majesty's so gracious desire, by reason of those misinformations, not only privileges, but the whole freedom of the Parliament and realm, hath from time to time on all occasions, been mainly hewed at."

They then came to particulars. Doubts had been thrown upon the liberty of election. 'The freedom of' their 'speech' had been 'prejudiced by often reproof,' the Bishop of Bristol had written a book in which they had been reviled.¹ Some of the clergy had been preaching against them and had even published their protestations against the doubted right of the House to deal with ecclesiastical affairs. 'What cause' they had 'to watch over their privileges,' 'manifest in itself to all men. The prerogatives of prince were daily growing ; 'the privileges of subjects' were 'for most part at an everlasting stand.' They might 'be by good providence and care preserved, but, being once lost,' they were not to be 'recovered but with much disquiet. If good kings were immortal,' they might be less careful about their privileges. But a day might come when a hypocrite and a tyrant might

¹ On the complaint of the Commons he was compelled to ask pardon. He had undertaken to refute arguments used in the House of Commons a high offence before debates were published, as the attacked party might be misrepresented, and had no opportunity of reply.

upon the throne, and it was therefore their bounden duty to provide for posterity.

They had heard that particular speeches had been misreported to the King ; they hoped, therefore, that he would allow those members whose words had been misrepresented to justify themselves in the presence of their accusers.

After offering a defence of their conduct in the cases of the Buckinghamshire election, of Sir Thomas Sherley's imprisonment, and of the Bishop of Bristol's book, they touched upon the thorny subject of the Union.

"The proposition," they said, "was new, the importance great, the consequence far-reaching, and not discovered but by long dispute. Our number also is large, and which hath free liberty to speak ; but the doubts and difficulties once cleared and removed, how far we were from opposing the just desires of your Majesty (as some evil-disposed minds would perhaps insinuate, who live by division, and prosper by the disgrace of other men) the great expedition, alacrity, and unanimity which was used and showed in passing of the Bill may sufficiently testify."

Having thus got over this difficulty, perhaps by making more of their own readiness to meet the King's wishes than the facts of the case would justify, they proceeded to a still more important subject.

"For matter of religion," they said, "it will appear, by examination of the truth and right, that your Majesty should be misinformed if any man should deliver¹ that the Kings of England have any absolute power in themselves either to alter religion, (which God forefend should be in the power of any mortal man whatsoever), or to make any laws concerning the same, otherwise than in temporal causes by consent of Parliament. We have and shall at all times by our oaths acknowledge that your Majesty is sovereign lord and supreme

¹ This must refer to the Canons which were passed through Convocation in this session. In an anonymous paper (*S. P. Dom.* vi. 46) entitled *Substance of the Doctrine of the Church of England on the King's Supremacy*, it is expressly stated that the King had the right to confirm ecclesiastical canons, and to give them the force of laws.

governor in both. Touching our own desires and proceedings therein, they have been not a little misconceived and misinterpreted. We have not come in any Puritan or Brownist spirit to introduce their parity, or to work the subversion of the State ecclesiastical as now it stands, things so far and so clear from our meaning as that, with uniform consent, in the beginning of this Parliament we committed to the Tower a man who out of that humour had, in a petition exhibited to our House, slandered the Bishops; but according to the tenor of your Majesty's writs of summons directed to the counties from which we came, and according to the ancient and long continued use of Parliaments, as by many records from time to time appeareth, we came with another spirit, even with the spirit of peace; we disputed not of matters of faith and doctrine, our desire was peace only, and our device of unity, how this lamentable and long-lasting dissension amongst the ministers (from which both atheism, sects, and ill-life have received such encouragement, and so dangerous increase) might at length, before help come too late, be extinguished. And for the ways of this peace we are not addicted at all to our own inventions, but ready to embrace any fit way that may be offered. Neither desire we so much that any man, in regard of weakness of conscience, may be exempted after Parliament from obedience to laws established, as that in this Parliament such laws may be enacted as by relinquishment of some few ceremonies of small importance, or by any way better, a perpetual uniformity may be enjoined and observed. Our desire hath been also to reform certain abuses crept into the ecclesiastical estate even as into the temporal; and, lastly, that the land might be furnished with a learned, religious, and godly ministry, for the maintenance of whom we would have granted no small contribution, if in these (as we trust) just and religious desires we had found that correspondency from others which was expected. These minds and hearts we in secret present to that Sovereign Lord who gave them, and in public profess to your gracious Majesty, who, we trust, will so esteem them."

"There remaineth, dread Sovereign," they said, in conclusion, after justifying the course which they had taken in the

ters of wardship and purveyance, "yet one part more of our
y at this present which faithfulness of heart (not presumption)
doth press us to. We stand not in place to speak
cision. or to propose things pleasing. Our care is, and must
to confirm the love, and to tie the hearts of your subjects,
Commons, most firmly to your Majesty. Herein lieth the
ans of our well deserving of both. There was never Prince
ered with greater love, with greater joy and applause of all
people. This love, this joy, let it flourish in their hearts for
r. Let no suspicion have access to their fearful thoughts
their privileges, which they think by your Majesty should
protected, should now by sinister information or counsel be
ated or impaired, or that those who with dutiful respect
our Majesty speak freely for the right and good of their
try shall be oppressed or disgraced. Let your Majesty be
sed to receive public information from your Commons in
ament, as well of the abuses in the Church as in the Civil
and Government. For private informations pass often by
rice. The voice of the people, in things of their know-
; is said to be as the voice of God. And if your Majesty
vouchsafe at your best pleasure and leisure to enter into
ous consideration of our petitions for ease of those burdens
r which your whole people have long time mourned,
ing for relief by your Majesty, then may you be assured to be
ssed of their hearts for ever, and if of their hearts, then of
ey can do and have. And we your Majesty's most humble
loyal subjects, whose ancestors have with great loyalty,
ness, and joyfulness served your famous progenitors, Kings
Queens of this realm, shall with like loyalty and joy, both
nd our posterity, serve your Majesty and your most royal
for ever with our lives, lands, and goods, and all other our
ies, and by all means endeavour to procure your Majesty's
ur with all plenty, tranquillity, joy, and felicity."¹
uch was the address, manly and freespoken, but conserva-
nd monarchical to the core, which the House of Commons
prepared to lay before the King. In it they took up the

¹ *Parl. Hist.* i. 1030, and *S. P. Dom.* viii. 70.

position. The Commons had been sitting eighty-four days and during years. To understand the Apology is to understand the causes of the success of the English Revolution. They did not ask for anything which was not in accordance with justice. They did not demand a single privilege which was not necessary for the good of the nation as well as for their own dignity.

The Apology thus prepared was never presented to the King, though there can be little doubt that a copy of it reached his hands. The feeling of dissatisfaction which the Commons in spite of the alacrity with which they had passed the Union Bill, could not but have felt, they expressed in another way, which must have been more annoying to James than the presentation of the Apology could possibly have been.

Even with the strictest economy James would have found much difficulty in bringing his expenditure within the compass of his revenue. With his habits of profusion, all hope of this passed rapidly away. He had already incurred debts which he had no means of paying. His ministers therefore urged upon the Commons that it would be well to express their loyalty in a tangible form. They stated, with perfect truth, that the King was under the necessity of providing for many extraordinary expenses connected with the commencement of a reign, and that it was impossible in a moment to return to a peace expenditure. If the great questions of the session had received a satisfactory solution, it is probable that these arguments would have carried their proper weight. As it was, the Commons remembered opportunely that a considerable part of the subsidies which had been granted by the last Parliament of the late Queen had not yet been levied, and that it was contrary to precedent to grant a fresh subsidy before the last one had been fully paid. They did not give a direct refusal, but the tone which the debate assumed was not such as to promise a result favourable to the Government. On hearing this, James, making a virtue of necessity, wrote a letter to the Commons, in which he informed them that he was unwilling that they should lay any burden

on themselves in order to supply him with money.¹ He took care to have this letter printed, so as to lay his conduct before the public in as honourable a light as possible.

June 26.
The King's
letter.

Doubtless this blow directed against the King had much to do with the frustration of the hope which the Commons entertained of passing a Bill on a subject of no slight importance. When James, soon after his arrival in England, had summoned the monopolists to show cause why their patents should not be annulled, he had expressly excepted the trading corporations. The Commons now proposed to treat these corporations as monopolists. At this time the French trade was the only one open to all Englishmen. By its chartered rights the Russia Company claimed the trade with Muscovy; whilst the commerce of the Baltic was in the hands of the Eastland Company.² From the Cattegat to the mouth of the Somme, the merchant adventurers held sway.³ From thence there was a line of free shore till the dominions of the Spanish King presented what had lately been an enemy's coast. Venice and the East were apportioned to the vessels of the Levant Company. Western Africa had a company of its own; and beyond the Cape, the continents and islands over the trade of which the great East India Company claimed a monopoly, stretched away to the Straits of Magellan, through three-quarters of the circumference of the globe. In the early days of the late reign, such associations had served the purpose of fostering the rising commerce of England. There was not sufficient capital in the hands of individuals to enable them to bear the risk of such distant enterprises, nor was the power of the Government sufficient to guarantee them that protection which alone could make their risks remunerative. The companies undertook some of the responsibilities which at a later period were imposed upon the State. They supported ambassadors, and appointed consuls to represent their interests.⁴

¹ C. J. i. 246. There is a printed copy in the *S. P. Dom.* viii. 78.

² Macpherson's *Annals of Commerce*, ii. 164.

³ *Ibid.* 220.

⁴ Suggestions for regulating the Levant Trade, Feb. 29, 1604, *S. P. Dom.* vi. 70.

That were better than what private persons would have been to discover new outlets for trade. The risk run in making voyages for the first time to such countries as Russia or India was so great that it was only fair to compensate for it by the monopoly of the trade—at least for a limited period. Nor were the voyages even to friendly ports free from danger. In 1582 the Russia Company had to send out as many as eleven well-armed ships, for fear of enemies and pirates.

Now, however, the time was favourable for reviewing the commercial policy of the country. The Levant Company had surrendered its charter shortly after the King's accession. Spain was soon to be thrown open to English commerce. The increase of wealth made many persons desirous of engaging in trade who were not members of any company; but, above all, there was a growing feeling of jealousy against the London merchants, on the part of the shipowners of the other ports. A native of Plymouth or of Southampton might engage in the coasting trade, or he might even send his vessel to the other side of the Channel: but if he wished to push his fortune by engaging in commerce on a larger scale, he was at once checked by learning that the charter of some great Company, whose members were sure to be Londoners, stood in his way.

In consequence of the general dissatisfaction with the privileges of the Companies, appeals were made to the Privy Council. These being without result, the whole case was referred to Parliament. A committee of the Lower House, with Sir Edwin Sandys at its head, took great pains to arrive at the truth. It devoted five after-
A committee investigates the complaints against the companies.
noons to the investigation of the alleged grievances, and to the discussion of a Bill for throwing open trade.² Clothiers and merchants from all parts of the realm attended its sittings in crowds. They complained bitterly that the existing system was a juggle, by which the whole commerce of England was thrown into the hands of a few interested persons. Arguments were heard on both sides. The free

¹ C. J. i. 218.

traders urged the natural right of all men to trade where they would, and reminded the Committee that monopolies were only of recent invention. They said that at most the members of the Companies were only five or six thousand in number, and that of these only four or five hundred were actually engaged in commerce. They pointed to the success of other commercial nations where trade was free. They said that in their policy would be found a remedy for the evil which proclamations and Acts of Parliament had striven in vain to cure. The rapid growth of London in proportion to other towns was astonishing to that generation. The money received in the port of London in a single year for customs and impositions amounted to 110,000*l.*, whilst the whole sum of the receipts from the same sources in all the rest of the kingdom was nothing more than a beggarly 17,000*l.* They trusted that freedom of trade would be more favourable to the equal distribution of wealth. Ships would be built in greater numbers, mariners would obtain more constant employment, and the Crown would reap the benefit by an increase of customs. They concluded with a remark characteristic of a people amongst whom no broad line of demarcation separated the different classes of the community: the younger sons of the gentry, they said, would be thrown out of employment by the cessation of the war, and therefore an open career should be provided for them in mercantile pursuits, where alone it could be found.

The force of these arguments was only equalled by the shallowness of the opposition made to them. It was gravely urged that no monopoly was granted to any company, because a right possessed by more than a single person could not properly be termed a monopoly. It was said that all England could not produce more than the companies carried abroad; that the time of the apprentices would be thrown away if the existence of the companies were cut short. The counsel on behalf of the monopolists inveighed against the injustice of putting an end to such useful and flourishing societies. He was told that there was no intention of abolishing a single company. The Bill only provided for throwing trade open. If it were true, as was asserted, that commerce on a large scale

could not be carried on by private merchants, why this opposition to the Bill? The permission to such merchants to engage in trade would be void of itself if it was really impossible for them to enter into competition. Again, it was objected that the King would never be able to collect the customs. In reply to this, several merchants offered, in case the Bill passed, to pay for the farm of the customs a higher sum than the average of the four years of the last five years.

When the Bill stood for a third reading, 'it was three several days debated, and in the end passed with great consent and applause of the House, as being for the exceeding benefit of all the land, scarce forty voices dissenting from them.'

The Bill was sent up to the House of Lords, where counsel was again heard on both sides. Coke, as Attorney-General, spoke against it, acknowledging its purpose to be good, but objecting to certain defects in it. Upon this, on July 6, 1688, the Bill was dropped. The Commons expressed their intention of taking the matter up again in the following session.¹

On the following day the King came down to prorogue Parliament. After a few words of praise addressed to the House of Lords, he turned to the Commons, pleased to find an opportunity of venting upon them his long pent-up ill-humour.

"I have more to say of you," he began. "my masters of the Lower House, both in regard of former occasions, and now of your Speaker's speech. It hath been the form of most kings to give thanks to their people, however their deserts were. Of some, to use sharp admonishment and reproof. Now, if you expect either great praises or reproofs out of custom, I will deceive you in both. I will not thank where I think no thanks due. You would think me base if I should. It were not Christian; it were not kingly. I do not think you, as the body of the realm, undutiful. There is an old rule, *qui bene distinguit bene docet*. This House doth not so represent the whole Commons of the realm as the

His Majesty's
private language.

¹ C. J. i. 253.

shadow doth the body, but only representatively. Impossible it was for them to know all that would be propounded here, much more all those answers that you would make to all propositions. So as I account not all that to be done by the Commons of the land which hath been done by you, I will not thank them for that you have well done, nor blame them for that you have done ill. I must say this for you, I never heard nor read that there were so many wise and so many judicious men in that House generally ; but where many are some must needs be idle heads, some rash, some busy informers."

After scolding them for some time longer in the same flippant strain, he proceeded to compare the reception which his wishes had met with in England with the obedience which he had always found in Scotland. He must have counted largely on the ignorance of his hearers with respect to Scottish affairs, when he added :—"In my government by-past in Scotland (where I ruled upon men not of the best temper), I was heard not only as a king, but as a counsellor. Contrary, here nothing but curiosity, from morning to evening, to find fault with my propositions. There all things warranted that came from me. Here all things suspected." He then burst out into an invective against them for their delays in the matter of the Union, and for their encouragement of Puritanism. "You see," he continued, "in how many things you did not well. The best apology-maker of you all, for all his eloquence, cannot make all good. Forsooth, a goodly matter to make apologies, when no man is by to answer. You have done many things rashly. I say not you meant disloyally. I receive better comfort in you, and account better to be king of such subjects than of so many kingdoms. Only I wish you had kept a better form. I like form as much as matter. It shows respect, and I expect it, being a king, as well born (suppose I say it) as any of my progenitors. I wish you would use your liberty with more modesty in time to come. You must know now that, the Parliament not sitting, the liberties are not sitting. My justice shall always sit in the same seat. Justice I will give to all, and favour to such as deserve it. In cases of justice, if I should

do you wrong, I were no just king ; but in cases of equity, if I should show favour, except there be obedience, I were no wise man." ¹

With this characteristic utterance James brought the first session of his first Parliament to a close.

¹ *S. P. Dom.* viii. 93.

CHAPTER V.

THE ENFORCEMENT OF CONFORMITY.

discontent which had made itself felt on both sides during unhappy session was the more ominous of future strife because it did not spring from a mere difference of opinion on any single question. There was between the King and the House of Commons the most fruitful source of strife—a complete lack of sympathy.

Commons could not enter into James's eagerness to bring it a union with Scotland, or his desire to tolerate the policies, and James could not enter into their eagerness to free themselves from ill-adjusted financial burdens, or to meet the obligations of conformity. James, unhappily, lived apart from his people. He had his chosen counsellors and chosen companions, but he did not make himself familiar with the average thought of the average Englishman. When ideas, sometimes wiser, sometimes less wise, than his own, were forced upon him, he had nothing but contempt to pour upon them. In his public speeches as well as in his private conversations the thought was often lost in a flow of words, and the chance with which he took it for granted that he was solely right repelled inquiry into the argument which his lengthy phrases concealed.

The first difference between the King and the House—that arising from Goodwin's election—had been easily settled, because James had no personal interest in the matter. When it came to the reform of purveyance the abolition of wardship his own necessities made him

James was not in a worse case than that in which he had been in before, whilst the Commons, who had hitherto been kept in ignorance of the amount of the revenue and expenditure of the Crown, were unaware how great those necessities were. James, indeed, was ready enough to redress such grievances as were brought home to him. Unfortunately more than that was needed. If James was to rule as Elizabeth had ruled, it was necessary that he should sympathise with his subjects as she had done. He must not be content to let them work out reforms, leaving to them the responsibility of directing their energies so as not to interfere with his wants. He must himself take the reforms in hand, and must so conduct them as to guide his subjects patiently on the way in which they wished to go. It was exactly what he was unable to do. Nor was he likely to find in Cecil anything but a hindrance. For Cecil, with all his practical capacity, was a man of the past age, who had had no experience as an independent member of the House of Commons, and who was more likely to throw difficulties in the way of the demands of the reformers than to consider how they could be carried into effect with the least prejudice to the State. On the still more important question raised by the Commons on the subject of Puritanism, he was too deeply imbued with the principles of the late reign to give good counsel.

The one man who could have guided James safely through the quicksands was Bacon. He had all the qualities of a reconciling statesman. He sympathized with the Commons in their wish for reforms and in their desire for a more tolerant dealing with the Puritans. He sympathized with the King in his wish to carry out the Union. Above all, whilst he was the most popular member of the House, he had the highest ideas of the King's prerogative, because he saw in it an instrument for good, if only James could be persuaded to guide his people, and not to bargain with them.

During his whole life Bacon continued to regard Cecil as the man who stood in the way of that advancement which he so ardently desired, both for the service of his country and

Bacon as a possible reconciler.

for his own advancement. Yet it was not to be expected that James should thrust away an old and tried counsellor like Cecil, whom he had found on his arrival in England in possession of authority, to make way for an adviser whose superior qualities he was unable to recognise. What he did see in Bacon was a supporter of the Union, who had been chosen one of the commissioners to meet the delegates of Scotland. As such he was worthy of a retaining fee. On August 18 Bacon was established by patent in the position of a King's Counsel, with which he received a pension of 60*l*.¹ On the great ecclesiastical question on which he had written so wisely, Bacon could but hope for the best. He knew that the King had made up his mind, and he never again strove to change it.

Whilst the House of Commons was engaged in stormy discussions, Convocation was more calmly at work in drawing up a code of ecclesiastical law. The canons to which this body gave its assent had been prepared by Bancroft, who acted as President of the Upper House, the See of Canterbury being vacant. On the occasion of a discussion upon the use of the cross in baptism, Rudd, Bishop of St. David's, in a temperate speech, warned the House of the evil consequences which would inevitably follow upon the course which they were taking. The arguments of one man were not likely to have much weight in such an assembly. As far as in them lay, they bound down the whole of the clergy and laity of England to a perpetual uniformity. Every man was declared to be excommunicated who questioned the complete accordance of the Prayer Book with the Word of God. Nor were the errors of excommunication felt only by those who shrank from bearing spiritual censures. The excommunicated person was unable to enforce the payment of debts which might be due to him, and was himself liable to imprisonment till he confessed his error.

On July 16, a proclamation appeared, in which permission

¹ Bacon's *Letters and Life*, iii. 217.

was given to the Puritan clergy to retain their livings until
July 16.
The King's
proclama-
tion. November 30. As soon as the time thus allowed
for consideration had come to an end, they must
either conform or submit to expulsion.

Shortly before the end of the term assigned to them, a
small number of Puritans presented a petition to the King at
The Royston
petition. his hunting seat at Royston. James, vexed at being
thus taken unawares, told them to send ten of the
wisest among them to the Council. The deputation did not
gain much by this step, as they were dismissed, and forced
to give bail to answer for their conduct whenever they might
be summoned.

On December 4, Bancroft was consecrated Archbishop of
Canterbury. If there had been any truth in the fond delusion
Dec. 4.
Archbishop
Bancroft. of his admirers in the next generation, who traced
all the troubles of the Church to the inefficient way
in which his successor carried out his system, it would
have been impossible to make a better choice. He did not,
like Whitgift, persecute in the name of a state expediency. If
he was not the first to adopt the belief that the episcopal
system of the English Church was of Divine appointment, he
was at least the first who brought it prominently before the
world. With a full persuasion that he was engaged in repress-
ing the enemies of God, as well as the disturbers of the
Commonwealth, he felt no compunction in applying all his
energies to the extirpation of Nonconformity. There were
men in the Church of England, who, like Hutton, the Arch-
bishop of York, felt some sympathy with the Puritans, although
they did not themselves share their opinions. But Bancroft
was unable to understand how the Puritans could talk such
nonsense as they did, except from factious and discreditable
motives.¹ In other respects he was well fitted for his office.

¹ Compare Hutton's letter (Strype's *Whitgift*, iv., App. No. 50) with
the following sentence from one of Bancroft's (Wilkins's *Conc.* iv. 409) :—
"I have hitherto not greatly liked any severe course, but perceiving by
certain instructions lately cast abroad, that the present opposition so lately
constituted doth rather proceed from a combination of sundry factions, who

He was anxious to increase the efficiency of the clergy, as far as was consistent with a due respect for uniformity, and, if it had lain in his power, he would have provided an orthodox and conforming preacher for every parish in England.

Dec. 10.
Proceedings
against the
Noncon-
formists.

He had not been a week in his new office before he was ordered by the Council to proceed against those amongst the clergy who still held out.¹ In a circular letter which he shortly afterwards addressed to the Bishops,² he directed that all curates and lecturers should be required, upon pain of dismissal, to subscribe to those articles which were imposed by the new canons. In the first of these the King's supremacy was to be acknowledged ; in the second a declaration was to be made that the Prayer Book contained nothing contrary to the Word of God ; and in the third the subscriber affirmed that the Thirty-nine Articles were also agreeable to the Word of God. The beneficed clergy were to be treated with rather more consideration. If they refused to conform, they were to be at once deposed, but those amongst them who were willing to conform, though they refused to subscribe, might be allowed to remain at peace. By this means, many would be able to retain their livings who, though they had no objection to perform as a matter of obedience the services enforced by the Prayer Book, were by no means ready to declare it to be their conscientious opinion that everything contained in that book was in accordance with Divine truth.

As may be supposed, this circular caused great consternation amongst the Puritan clergy and their favourers. It has been calculated that about three hundred³ of the clergy were in the pride of their mind are loath to be foiled, as they term it, than from any religious care or true conscience," &c.

¹ The Council to Bancroft, Dec. 10, 1604, Wilkins's *Conc.* iv. 408.

² Bancroft to the Bishops, Dec. 22, 1604, Wilkins's *Conc.* iv. 409.

³ The number has been estimated as low as forty-nine ; but the arguments in Vaughan's *Memorials of the Stuarts* seem to me conclusive in favour of the larger number. To the authorities quoted there may be added the petition of the Warwickshire ministers (*S. P. Dom.* xi. 68), who speak of twenty-seven being suspended in that county alone ; though the Bishop expressed his sorrow for that which he was forced to do.

ejected for refusing to comply with the demands made upon them. The Bishops were frightened at the numbers who refused subscription, but the King urged them on.¹ To him the refusal to conform was a presumption of the existence of a Presbyterian temper. Such a temper, he held, must be rooted out, as opposed to monarchical order. To individuals ready to give way all tenderness was to be shown. "I am wonderfully satisfied," he wrote to the Secretary, "with the Council's proceeding anent the Puritans. Since my departure, they have used justice upon the obstinate, shown grace to the penitent, and enlarged them that seem to be a little schooled by the rod of affliction. In this action they have, according to the 101st Psalm, sung of mercy and judgment both."²

On February 9, a petition in favour of the deprived ministers was presented to the King by four knights from Northamptonshire. It bore the signatures of forty—
Feb. 9, 1605. The Northamptonshire petition. four gentlemen of the county.³ The King was enraged. One sentence particularly exasperated him: the petitioners intimated that, if he denied their suit, many thousands of his subjects would be discontented; an assertion which he looked upon as a threat. On the following day, he charged the Council to take steps against these daring men. Three days afterwards, the Chancellor appeared in the Star Chamber, and asked the judges if it was lawful to deprive nonconforming ministers, and whether it was an offence against the law to collect signatures for such a petition as that which had just been presented. To both these questions they answered in the affirmative.⁴

¹ Chamberlain to Winwood, *Winw.* ii. 46.

² The King to Cranborne, 1604, *Hatfield MSS.* 134, fol. 48.

³ Petition in *S. P. Dom.* xi. 69. Among the signatures is that of Erasmus Dryden, grandfather of the poet. A little later (xi. 95) he asked pardon, and begged to be let out of the Fleet, to which he had been confined in consequence.

⁴ — to the Bishop of Norwich, *Ellis*, 2nd ser. iii. 215. A fuller and more correct account is in a memorandum in the *S. P. Dom.* xi. 73, and printed in Coke's *Rep.* at the end of the Reports of Trinity term, 2 Jac. I. This mistake has led some writers into the error of supposing that the judges were consulted before the delivery of the petition.

It was discovered that the petition had been drawn up by Sir Francis Hastings, the member for Somersetshire. He was summoned before the Council, and required to confess that it was seditious.¹ This he refused to do; but he was ready to acknowledge that he had done wrong in meddling with such matters out of his own county. He declared that in the sentence to which the King objected, he had no intention of saying anything disloyal. He was finally ordered to retire to his own country house, and to desist from all dealings in matters concerning the King's service. He was told that this was a special favour, as anyone else would have been 'laid by the heels.' Sir Edward Montague and Sir Valentine Knightly met with similar treatment.

In all that was being done the Secretary steadily supported the King. To him, unlike his cousin Bacon, the external uniformity of worship was the source of the higher unity. Cecil's opinion. It was necessary, he wrote, to correct the Puritans for disobedience to the lawful ceremonies of the Church; 'wherein although many religious men of moderate spirits might be borne with, yet such are the turbulent humours of some that dream of nothing but a new hierarchy directly opposite to the state of a monarchy, as the dispensation with such men were the highway to break all the bonds of unity, to nourish schism in the Church and commonwealth. It is well said of a learned man that there are schisms in habit as well as in opinion, and that unity in belief can not be preserved unless it is to be found in worship.'² Already in these words may be discerned the principles of Laud. The conception of a nation as an artificial body to be coerced and trained was that which Cranborne had cherished in the atmosphere of the later Elizabethan officialism. The conception of a nation as a growing body instinct with life was that which Bacon was taught by his own genius to perceive.

James could never learn this lesson. He encouraged

¹ Exam. of Sir F. Hastings, *S. P. Dom.* xi. 74.

² "*Et non servatur unitas in cralendo, nisi adsit in colendo.*" Cranborne to Hutton, Feb. 1605, *Lodge*, iii. 125.

Bancroft to urge on the unwilling Bishops to purify their dioceses by the deprivation of all who were unwilling to conform,¹ though they were allowed to abstain from doing the work too roughly. The deprived ministers were to be allowed to retain their parsonages for one or two months, that they might have time to provide for themselves and their families, now left without any visible means of subsistence.

These measures having been taken with the existing clergy, James hoped to be equally successful in providing that the Church should never again be troubled with similar difficulties. He commanded the Universities to administer to their members a new oath, which no Presbyterian would be willing to take. Even here, however, Presbyterianism was condemned, not as unscriptural, but as unsuitable to a monarchical constitution.²

There was at least one religious work not interrupted by these stormy conflicts. Puritans and Churchmen were able to sit down together to labour at that translation of the Bible which has for so many generations been treasured by Englishmen of every creed, because in its production all sectarian influences were banished, and all hostilities were mute.

There can be little doubt that James seriously believed that he had brought peace into the Church by imposing conformity. The view taken by the Secretary was distinctly that the Church of England was the stronger for the late proceedings of the Government. "For the religion which they profess," he wrote of the expelled clergy, "I reverence them and their calling ; but for their unconformity, I acknowledge myself no way warranted to deal for them, because

¹ Bancroft to the Bishops, March 12, 1605, Wilkins's *Conc.* iv. 410.

² The King to Cranborne, April 8, 1605, *S. P. Dom.* xiii. 75. The most prominent clause was :—"Deinde me credere ac tenere formam ecclesiastici regiminis, quæ apud nos est, per Archiepiscopos ac Episcopos legitimam esse, et sacris Scripturis consentaneam, novamque illam ac popularem quæ presbyterii nomine usurpatur, utcunque alicubi non improbandam, Monarchiæ tamen certè institutæ minimè convenientem."

the course they take is no way safe in such a monarchy as this; where His Majesty aimeth at no other end than where there is but one true faith and doctrine preached, there to establish one form, so as a perpetual peace may be settled in the Church of God ; where contrarywise these men, by this singularity of theirs in things approved to be indifferent by so many reverend fathers of the Church, by so great multitudes of their own brethren, yea many that have been formerly touched with the like weaknesses, do daily minister cause of scandal in the Church of England, and give impediment to that great and goodly work, towards which all honest men are bound to yield their best means, according to their several callings, namely to suppress idolatry and Romish superstition in all His Majesty's dominions." ¹

The view thus taken was that of the man of business in all ages and in all parts of the world. To such natures the strength which freedom gives is entirely inconceivable.

The policy of repressing Puritanism was not likely to stand alone. Partly from a desire to stand well with his Protestant subjects, partly from a feeling of insecurity, the months in which the nonconformist clergy were being driven from their parishes were those in which the Catholics were again brought under the lash of the penal laws.

During the early part of 1604, James had hesitated between his desire to abstain from persecution, and his disinclination to see such an increase in the numbers of the Catholics as would enable them to dictate their own terms to himself and his Protestant subjects. On February 22 he had issued the proclamation for the banishment of the priests.² On March 19, in his speech at the opening of Parliament,³ he had expressed his resolution that no new converts should be made, yet a month later the order for banishing the priests was still unexecuted, and a priest, arrested for saying mass, was set at liberty by the order of the King. Good Protestants complained bitterly that for many years the Catholics

1604.
James and
the Catho-
lics.

¹ Cranborne to some gentlemen of Leicestershire, April 1605, *Hatfield MSS.* 110, fol. 117.

² P. 145.

³ P. 166.

the "people" of the United States, and the "people" themselves, who have been the cause of the war against the British, and who have been the cause of the war against the British.

The "people" of the United States, and the "people" themselves, who have been the cause of the war against the British, and who have been the cause of the war against the British.

The "people" of the United States, and the "people" themselves, who have been the cause of the war against the British, and who have been the cause of the war against the British.

The "people" of the United States, and the "people" themselves, who have been the cause of the war against the British, and who have been the cause of the war against the British.

The "people" of the United States, and the "people" themselves, who have been the cause of the war against the British, and who have been the cause of the war against the British.

¹ *C. J.* i. 214.

² Del. Buffalo to Albobrandino, June 12, *Roman Transcript*, R. O.

uniting Christendom in one true religion.¹ Clement VII. would no doubt have had no objection to playing with James, as an angler plays with a salmon, but he was not likely to agree to a general council, in which the assembled Bishops were, in mute admiration, to give their willing consent to the views of the royal theologian, and James was accordingly vexed to find that there was no likelihood that his suggestion would be accepted.

Before long, James was recalled to the practical world. On June 4, a Bill for the due execution of the statutes against Jesuits, Seminary Priests, and Recusants was introduced into the House of Lords.² In spite of the opposition of the Catholic Lord Montague, who was

June 4.
Act against
Recusants.

committed to the Tower for the strong language which he not unnaturally used, it was sent down to the Commons,

July.

and finally passed both Houses, though not without undergoing considerable alterations. All the statutes of the late reign were confirmed, and in some points they were made more severe. The Catholics were, of course, anxious that the King should refuse his assent to the Bill. A petition³ was presented to him by the priests, in which they offered to take an oath of allegiance. A much more important petition⁴ was presented by a number of the laity, in which they expressed their readiness to become responsible for the conduct of such priests as they might be permitted to have in their houses.

This offer was rejected by James, and he gave his assent to the Bill. He told the French Ambassador, however, that he had no present intention of putting the Act in force, but that he wished to have the power of repression if any necessity should arise.⁵ As an assurance of the sincerity of his intentions, he remitted to the sixteen gentlemen who were liable to the 20*l.* fine the whole sum which had fallen

July 8.
Not put in
force.

¹ Constable (?) to Del Bufalo, *Dec. 30,* 160 *3;* *Roman Transcripts, R. O.*
Jan. 9, 4,

² 1 Jac. I. cap. 4.

³ Catholic Priests to the King, July (?) *S. P. Dom.* viii. 125.

⁴ Petition Apologetical, p. 34.

⁵ Beaumont to the King of France, July *8,* 1604, *King's MSS.* 126, fol. 122.

due since the Queen's death, as a guarantee that he would never call upon them for arrears.¹

The Catholics might well be content with the treatment which they were receiving, if only they could be assured that it would continue. They knew, however, that James stood alone amongst the Protestant English people in his wish to protect them, and that they were therefore at the mercy of any gust of feeling which might sweep over his mind. It *was* therefore with considerable interest that they watched the negotiations which seemed likely to afford them relief by bringing their own King into close connection with the great Catholic monarchy of Spain.

That monarchy had, indeed, of late years fallen from its high estate. If Philip II. had been able to carry out his schemes, he would have re-established the old religion by the prowess of the Spanish armies, and by the intrigues of which he held the thread as he sat at his desk at the Escorial. The Pope would once more have been looked up to as the head of an undivided Church. By his side would have stood, in all the prominence of conscious superiority, the King of Spain, realising in his person all, and more than all that, in the Middle Ages, had been ascribed by jurists and statesmen to the chief of the Holy Roman Empire, the lay pillar of the edifice of Catholic unity. Kings would have existed only by his sufferance. Political independence and religious independence would have been stifled on every side. At last, perhaps, the symbol would have followed the reality, and the Imperial Crown would have rested on the brows of the true heir of the House of Austria, the champion of the Church, the master of the treasures of the West, the captain of armies whose serried ranks and unbroken discipline would have driven in headlong rout the feudal chivalry which in bygone centuries had followed the Ottos and the Fredericks through the passes of the Alps.

This magnificent scheme had broken down completely. The long struggle of the sixteenth century had only served to

1598.
The Spanish
monarchy at
the death of
Philip II.

¹ July 30, Pat. 2 Jac. I. part 22.

consolidate the power of the national dynasties. The signature of the Peace of Vervins was the last act of Philip II., and in accepting the treaty of London, Philip III. was only setting his seal to his father's acknowledgment of failure.

It was impossible that the memory of such a conflict could be blotted out in a day. That Spain had never really withdrawn her pretensions to universal monarchy, and that she had merely allowed herself a breathing time in order to recruit her strength for the renewal of the struggle, was the creed of thousands even in Catholic France, and was held with peculiar tenacity by the populations of the Protestant Netherlands and of Protestant England. For many years every petty aggression on the part of Spain would be regarded as forming part of a preconcerted plan for a general attack upon the independence of Europe.

It was only by the most scrupulous respect for the rights of other nations, and by a complete abstinence from all meddling with their domestic affairs, that the Spanish Government could hope to allay the suspicion of which it was the object. Unhappily there was but little probability of such a thorough change of policy. It is true that, under the guidance of Lerma, Philip III., a prince whose bigotry was only equalled by his listlessness and inefficiency, had definitely renounced all intention of extending his own dominions or of establishing puppet sovereigns at London or at Paris. It is also true, that now that there was no longer to be found in Europe any considerable body of Catholics who were the subjects of a Protestant sovereign, the policy of stirring up disaffection in the Protestant states was of necessity relinquished. But the old theories were still dear to the heart of every Spaniard. Philip III. was still the Catholic King, the pillar of the Church, the protector of the faithful. Even Lerma, desirous as he was of maintaining a peace which alone made it possible for him to stave off a national bankruptcy, and to fill his own pockets with the plunder of the State, could not wholly abandon the traditional principles of his nation. If the doctrines of the advocates of tyrannicide were suffered gradually to

Failure of
his schemes.

Spain still
regarded
with sus-
picion.

Renuncia-
tion of direct
interference
by
Spain.

[illegible]

The American Government's policy was no longer to limit the American presence in Germany to military relations with the German Government. The United States had by acts of violence destroyed the political and economic life of domestic Germany and the American Government should not permit Germany to remain the "land of the dead" and to seek repose in the "land of the living". It was in such means as these that the American Government could aid the work of the League of Nations and the United States to create what the League of Nations had called for "a peace to lay the foundation of a new order of things in Europe as an alternative to the old order of things in Europe".

Following the seizure of power by the Spanish Government in 1936, the situation changed. It was necessary to consider the political and economic situation of facilities which had been built in the possession of James to the theme of England. It is felt that it is likely there must be some understanding in the relation between England and the Dutch Republic.

Towards the end of July 1603, Arenberg requested James to mediate between his master and the States.¹ A week or two

Document: the King of France. $\frac{1575}{1563}$ 1603. *Am. MSS.* 124. fol.

later the King wrote to the States, telling them that he had given no answer to Aremberg till he heard from them whether they would join the treaty.¹ This letter was accom-

1603.
Negotiations
with Spain.

panied by another from the Privy Council to Sir Ralph Winwood, the English member of the Dutch Council assuring him that, though the King was desirous of treating, he would conclude nothing to their disadvantage. If the Spaniards declined to admit the States to the negotiations, the English would refuse the peace altogether. If the States refused his offer of including them in the treaty, James would even then insist upon a clause being inserted, assigning a time within which they might be admitted.² At the same time permission was granted to Caron, the Ambassador of the States in London, to levy a regiment in Scotland. The States, however, were not to be won by these advances. They firmly refused to treat on any conditions whatever.³ England must therefore negotiate for itself, if it was not to be dragged into an interminable war.

In the autumn of 1603 James seems to have been less inclined to peace than he had hitherto been. Towards the end of September Don Juan de Taxis, Count of Villa Mediana, arrived with letters from the King of Spain; but September. there was some informality in the address, and, above all, he brought no commission to treat. The Duke of Frias, the Constable of Castile, was expected to bring the necessary powers after Christmas. Meanwhile, James heard that Villa Mediana was employing his time in opening communications with the principal Catholics, and in giving presents to the courtiers.⁴

In the middle of January 1604 the Constable arrived at Brussels. He begged that the English Commissioners might be sent to treat with him there, as he was labouring under an indisposition.⁵ This was of course inadmissible. Spain had

¹ James to the States, Aug. 10, 1603, *Winw.* ii. 1.

² Lords of Council to Winwood, Aug. 10, 1603, *Winw.* ii. 2.

³ Winwood to Cecil, Aug. 21, *S. P. Holland*.

⁴ Beaumont to the King of France, ^{Sept. 30,} Oct. 10, ^{6,} Oct. 16, ^{17,} Oct. 27, 1603, *King's MSS.* 124, fol. 125, 151, 168.

⁵ Beaumont to the King of France, Jan. ^{18,} 1604, *King's MSS.* 124, fol. 374 b.

refused at Boulogne to allow the ambassadors of the Queen of England to occupy an equal position with her own: she must now acknowledge her defeat by coming to London to beg for peace. After a delay of nearly four months the conferences commenced, the Constable¹ having sent his powers over to those whom he appointed to treat in his name.

Jan. 1604.
Arrival of
the Con-
stable at
Brussels.

On May 20 the Commissioners met for the first time. On the English side were the Lord Treasurer, the Lord Buckhurst of Elizabeth's reign, who had recently been created Earl of Dorset; the Lord High Admiral, the Earl of Nottingham, who, as Lord Howard of Effingham, had seen the Armada fly before him; the Earl of Devonshire, fresh from the conquest of Ireland, where he had been known as Lord Mountjoy; Lord Henry Howard, now raised to the peerage by the title of Earl of Northampton; and last, but not least, the indefatigable Secretary, Lord Cecil.

May 20.
Meeting of
the Com-
missioners.

On the part of Spain appeared the Count of Villa Mediana, who had been appointed Ordinary Ambassador to England, and Alessandro Rovida, Senator of Milan, upon whom was laid the chief burden of sustaining the interests of the King of Spain. The Archduke had sent as his representatives the Count of AreMBERG, the President Richardot, and the Audiencer Verreyken.

As soon as some merely formal difficulties had been set aside, Rovida opened the discussion by proposing that England should enter into an offensive and defensive alliance with Spain.² This proposition having been instantly rejected, he then asked for a merely defensive league, or at least for a mutual promise not to assist those who were in rebellion against the authority of either Sovereign. This, of course, brought forward the real question at issue. Richardot asked Cecil in plain language what he intended to do about the

¹ Beaumont to the King of France, May ¹⁶/₂₆, 1604, *King's MSS.* 125, fol. 233.

² There is a most full and interesting report of these discussions, of which the original copy, in Sir T. Edmondson's hand, is among the *S. P. Sp.* There is a copy in *Add. MSS.* 14,033.

States. Fortunately, Cecil had now gained the full support of his master. James had already told Aremberg that he refused to consider the Dutch as rebels. Cecil begged the Commissioners not to press him to dispute whether they were rebels or no. However that might be, 'he would boldly affirm that the contracts which were made by the deceased virtuous and pious Princess (whose memory he was ever bound to honour) with those that call themselves by the name of the United Provinces were done upon very just and good cause.' He demanded whether Spain would regard the interruption of trade between England and Holland as essential to the peace; and Roviada was obliged to give way.

In fact, Cecil knew that he was playing a winning game. It was not his fault that the States refused to be included in the negotiations, but as they had, he was determined that they should suffer no loss which could possibly be avoided. He knew how necessary peace was for Spain. The Spaniards knew it too, and step by step they gave way before him.

By the treaty which, after six weeks of negotiation, was eventually drawn up, James vaguely promised that he would enter into negotiations with the States on the subject of the 'cautionary towns,' wherein he would assign a competent time 'to accept and receive conditions agreeable to justice and equity for a pacification to be had with the most renowned princes, his dear brethren, which, if the States shall refuse to accept, His Majesty from henceforth, as being freed from the former conventions, will determine of those towns according as he shall judge it to be just and honourable, wherein the said princes, his loving brethren, shall find that there shall be no want in him of those good offices which can be expected from a friendly prince.'¹ With such unmeaning verbiage, which, as Cecil a few days later told Winwood to explain to the States,² meant nothing, the Spanish Commissioners were forced to be content. The garri-

July.
Points
agreed to
with regard
to Holland.

¹ The treaty is in *Rymer*, xvi. 617, in Latin. The quotations are taken from an English translation in *Harl. MSS.* 351.

² Cecil to Winwood, June 13, *Winw.* ii. 23. He pointed out that James was to judge what conditions were agreeable to justice and equity.

and the States-General were to be held neutral. No English vessels were allowed to carry Dutch goods between Spain and the United Netherlands; but no diplomatic arts could gain from the English a promise that their vessels would abstain from carrying Dutch merchandise elsewhere. It was no less known that the Spaniards urged that James should prohibit Englishmen from serving in the armies either of the enemies or of the republic's subjects of his new ally. All that they could obtain was a promise that the King would not consent to the employment for such purposes in his dominions. "His Majesty," said Cecil, in writing to Winwood,¹ "promised neither to punish nor to starve but only that he will not consent—a word of which you know the latitude as well as I." Nor was this a mere engagement, kept in secret for future use. The Spaniards knew perfectly well what the clause was worth. They had asked that the volunteers which were now serving the States should be persuaded to return, which was thought reasonable by their lordships to be promised to be done so far forth as the parties serving there would be induced thereunto; and thereupon the articles were so reformed as should neither import any such public revocation, nor to restrain the going of voluntaries thither.² At most, they were obliged to be contented with the promise that James would himself be neutral, and would throw no hindrances in the way of enlistment for the Archduke's service.

In estimating the effect of this treaty upon the States, it must be remembered that by none of its articles were they deprived of any assistance from England, which they had enjoyed since the last agreement in 1598.³ At that time, Elizabeth, considering that the States were able to defend themselves, stipulated that they should pay the English soldiers in their service. This state of affairs was not affected by the treaty

¹ This point was not yielded till the Dutch merchants were consulted, *Winw.* ii. 23; and the Merchants' Statement, *S. P. Hol.* (undated).

² Cecil to Winwood, Sept. 4, *Winw.* ii. 27.

³ Nor did they lose anything which they gained by the treaty between France and England in 1603, as the King of France continued to furnish the money.

with Spain. The only possible injury which they could receive would arise from the loss of the co-operation of the English ships ; but, with their own flourishing navy, it was certain that this loss would not be severely felt. Dissatisfied as they undoubtedly were with what was, in their eyes, a desertion of the common cause, they could only lay their fingers upon two clauses of which it was possible to complain. The first was one by which a certain small number of Spanish ships of war were allowed to take refuge in an English port when driven by stress of weather, or by want of provisions or repairs ; the other—against which Cecil had long stood out, and which was only conceded at the last moment, probably on account of the mercantile interests of the English traders—bound each of the contracting parties to take measures to throw open any ports belonging to the other which might be blockaded. It led, as might have been expected, to embarrassing negotiations with the States. Cecil, however, always maintained that the clause bound him to nothing. “Howsoever we may *dare operam*,”¹ he wrote to Parry, “by persuasion or treaty, we mean not to keep a fleet at sea to make war upon” the Dutch “to maintain a petty trade of merchandise.” Finally, it was agreed that if ever the States should be inclined to make any proposal to the Archduke, James should be at liberty to present it on their behalf, and to support it in any negotiations which might follow.

If the Spaniards were obliged to content themselves, in the clauses which related to the States, with ambiguities which would certainly not be interpreted in their favour, they fared little better in their attempt to obtain, from the English Commissioners, even the most indirect acknowledgment of the illegality of the English trade with the Indies. The English negotiators proposed that a proclamation should be issued forbidding English subjects from trading with places actually in the occupation of the Spanish Government, on condition that Spain would withdraw all pretensions to exclude them from trading with the independent natives. They

¹ The parties were bound ‘*dare operam*’ that the ports should be opened.

refused to surrender and themselves to obtain a written promise from the King that he would prohibit his subjects from engaging in the slaveband trade, and the proposition was rejected. They contented themselves, as Elizabeth would have done if she had been alive, with ignoring the whole subject in the treaty, though they expressed their opinion strongly enough in the conference.¹ To leave English traders to provide for their own defence would, in our own days, be sheer insanity. It is now understood that it is the duty of the Royal Navy to protect unarmed merchant ships in every quarter of the globe. In the beginning of the seventeenth century it was not likely that a single man-of-war would be found even a hundred leagues from the coasts of the British Islands. The vessels, half-merchantman, half-privateer, which were the terror of the Spanish authorities in the American seas, never thought of asking for the protection of the navy. They were perfectly well able to take care of themselves. The only question, therefore, which the English Government had to consider was, whether they should continue the war in Europe in order to force the King of Spain to recognise the right of these adventurers to trade within certain limits, or whether the war was from henceforth to be carried on in one hemisphere alone. If Spain insisted that there should be no peace beyond the line,² it would be better to leave her to reap the fruits of a policy which before long would give birth to the buccaneers.

One other question remained to be solved. Cecil had taken an early opportunity of proposing that English merchants trading with Spain should be free from the jurisdiction of the The In-
quisition. Inquisition. The Spanish Commissioners answered that where no public scandal was given, the King 'would be

¹ In her instructions to the Commissioners at Boulogne, the following passage occurs : - "If you cannot possibly draw them to consent to any toleration of trade, that at least you would yield to no prejudice of restriction on that behalf, but to pass that point over."—*Winst.* i. 212.

² Thus Northampton said : "Our people was a warlike nation, and having been accustomed to make purchases (i.e. prizes) on the seas, would not better be reduced than by allowing them free liberty of trade."

³ i.e. the line beyond which all lands had been given by the Pope to the King of Spain.

careful to recommend' that the Inquisition should leave the belief of English merchants unquestioned; but they thought that those who openly insulted the religion of the country in which they were, would be justly amenable to its laws. Cecil, who was fully alive to the propriety of this distinction, but who knew the iniquitous character of the laws of Spain, protested that there was no reason that Englishmen 'should be subject to the passionate censure of the Inquisition, and be so strangely dealt withal as ordinarily they had been.' If these practices were to continue, the Spaniards who from time to time visited England should undergo similar ill-treatment. The subject was then dropped. When it was again taken up, it was agreed, after a long discussion, that an article should be framed to the effect that 'His Majesty's subjects should not be molested by land or sea for matter of conscience, within the King of Spain's or the Archduke's dominions, if they gave not occasion of public scandal.' The nature of public scandal was defined by three short articles which were appended to the treaty.¹ It was agreed that no one should be molested for any act which he had committed before his arrival in the country; that no one should be compelled to enter a church, but that, if he entered of his own accord, he should 'perform those duties and ceremonies which are used towards the holy sacrament of the altar;' that if any person should 'see the holy sacrament being towards' him 'in any street,' he should 'do reverence bowing' his 'knees, or else to pass aside by some other way, or turn into some house.' It was also stipulated that if officers of any ships lying in a Spanish harbour did 'exceed in any matter herein, the Inquisition proceeding against them in office, is only to sequester their own proper goods, and are to leave free the ships, and all other goods not belonging to the offenders.'

These articles, which were copied from a similar agreement which had been made between Queen Elizabeth and the Duke of Alba, contained all that the English Government was justified in demanding. Every man who avoided giving public scandal would be freed from all molestation.

¹ *Winw.* ii. 29.

At last, after the work had been done, the Constable of Castile arrived, and on August 19 James solemnly swore to observe the treaty. The proclamation of the peace, in the City, was for the most part received in sullen silence, only broken here and there by exclamations of "God preserve our good neighbours in Holland and Zealand!" These good neighbours had just succeeded, by a masterly stroke of war, in capturing Sluys, to counterbalance their impending loss of Ostend. On the day on which James swore to the peace with Spain, there was scarcely a pulpit in London where thanksgivings were not offered for the success of the Dutch.¹ Nevertheless, those who had negotiated the treaty had the satisfaction of knowing that they had ended an arduous struggle by a just and honourable peace. In a few years the Dutch, left to themselves, would begin to think that it was not impossible for them to follow the example of England. No cause arising from the general position of Continental politics made it advisable to continue the war. The onward flow of Spanish power, which had threatened in the sixteenth century to swallow up the Protestant States, had slackened. The onward flow of Austrian power, which was destined to inundate Germany in the seventeenth century, was still in the future. For the present there was a lull, of which England would do well to take advantage. After the great war with Spain, as in later times after the great war with France, peace, retrenchment, and reform were the objects which every true statesman should have kept in view, if he wished to prepare the vessel of State to meet the coming storm. It was with this work that Cecil hoped to connect his name. He was still in full possession of the King's confidence. On August 20, the day after the solemn acceptance of the treaty, he was raised a step in the peerage, by the title of Viscount Cranborne.

The new resident Spanish Ambassador, the Count of Villa Mediana, had other things to do besides fulfilling the ordinary functions of his office. He came provided with gold, to win over the ministers of James to his master's service. That Northampton made no difficulty in accepting a

¹ Caron to the States General, Aug. 21., *Add. MSS.* 17, 677 G. fol. 173.

ension of 1,000*l.* will astound no one. It is as little a matter
 for surprise that Suffolk, the old sea captain who had
 fought at the side of Raleigh and Essex, refused to
 contaminate his fingers with Spanish gold. Lady Suffolk, how-
 ever, fell an easy victim, and it is probable that, through her,
 Lerma knew as much of her husband's secrets as if
 the Earl himself had been drawn into the net. She,
 with Dorset and Devonshire, had 1,000*l.* a year a-
 piece. Sir William Monson, the Admiral who commanded in
 the Narrow Seas, not only received a pension of 350*l.* himself,
 but assisted the Ambassador in gaining others over,
 whilst another pension, of a similar amount, was
 assigned to Mrs. Drummond, the first Lady of the
 Queen's Bed-Chamber.

But that which is, in every way, most difficult of explanation
 is that Cranborne himself condescended to accept a pension of
 1,000*l.*, which was raised to 1,500*l.* in the following
 year.¹ Unluckily we know scarcely more than the
 bare fact. One of the Spanish ambassadors, indeed, who sub-
 sequently had dealings with him, pronounced him to be a venal
 sycophant, who was ready to sell his soul for money. On the other
 hand we know that, up to the day of his death, his policy when-
 ever he had free play, was decidedly and increasingly anti-
 Spanish. In the negotiations which were just over, he had been
 the steady opponent of the Spanish claims, and, almost at the
 very moment when he was bargaining for a pension, he
 was interpreting the treaty, as far as it was possible,
 in favour of the enemies of Spain. We know also, from the evi-
 dence of Sir Walter Cope, who, shortly after his death, wrote a
 defence of his character, at a time when every sentence would be
 scanned by unfriendly eyes, that he was not accessible to ordi-
 nary corruption; and this statement is confirmed by the negative
 evidence of the silence of the letter-writers of the day on this

¹ Memoir left by Villa Mediana, July ⁸/₁₈, 1605, *Simancas MSS.*,
 44. The names of the Earl of Dunbar, Lord Kinloss, Sir T. Lake,
 and J. Ramsay, and Sir J. Lindsay, are given for pensions, either sus-
 pended or not paid at all. Compare Digby to the King, Sept. 9, 1613,
 ec. 16, 1615, April 3, 1616, *S. P. Spain.*

score, though their letters teem with stories of the bribery which prevailed at Court as soon as power had passed into other hands

There can, however, be no doubt that though he was generally looked upon as a man who was inaccessible to ordinary bribery, he was never regarded as indifferent to money. He had heaped up a considerable fortune in the service of the State, although he had not condescended to use any improper means to obtain wealth. It is possible that, as soon as the peace was concluded,—thinking as he did that it was likely to be permanent,—he offered to do those services for the Spanish Government which, as long as it was a friendly power, he could render without in any way betraying the interests of his own country ; whilst, with his very moderate standard of morality, he did not shrink from accepting a pecuniary reward for what he did. This is probably the account of his relations with the French Government, from which also, according to a by no means unlikely story, he accepted a pension.¹

But it is plain that, even if this is the explanation of his original intentions, such a comparatively innocent connection with Spain soon extended itself to something worse, and that he consented to furnish the ambassadors, from time to time, with information on the policy and intentions of the English Government. Yet the despatches of those ambassadors are filled with complaints of the spirit in which he performed his bargain. Of the persistence with which he exacted payment there can be no doubt whatever. Five years later, when the opposition between the two Governments became more decided, he asked for an increase of his payments, and demanded that they should be made in large sums as each piece of information was given. When afterwards England took up a position of almost direct hostility to Spain, the information sent home by the ambassadors became more and more confused.

Whatever the truth may have been, it is certain that Cran-

¹ At least Northampton told Sir R. Cotton that he believed that this was the case. - Examination of Sir Robert Cotton, *Cott. MSS.* Tit. B. viii. fol. 489.

borne was at no time an advocate of a purely Spanish policy. He knew well that, in order to preserve the independence of Europe, it was necessary that England should remain on friendly terms with France, which was now recovering, under Henry IV., the vigour which it had lost during the civil wars, and was standing in steady, though undeclared, opposition to Spain. Yet, necessary as this French alliance was to England, it was not unaccompanied by difficulties. Cranborne was not anxious to see another kingdom step into the place which had lately been occupied by Spain. Above all things, he did not wish to see the Spanish Netherlands in the hands of the power which already possessed such a large extent of coast so near to the shores of England. The prospect of danger which might possibly arise from such an increase of the dominions of the King of France, imparted a certain reticence, and even vacillation, to his dealings with the French ambassador, which increased the uncertainty of the policy of the English Government.

Happily, whatever might occur in future times, there were, at the accession of James, no points of difference between France and England, excepting a few difficulties which had been thrown in the way of the English merchants who were engaged in the French trade. These were, however, removed by the signature of a commercial treaty, which directed the appointment of a permanent commission, composed of two English and two French merchants, who were to sit at Rouen for the settlement of disputes. Henry also gave up the iniquitous *droit d'aubaine*, by which the King of France laid claim to the goods of all foreigners dying within his dominions.¹

There was more difficulty in coming to an agreement upon the meaning of the treaty which had been signed at Hampton Court in 1603. According to its stipulations, France had furnished the Dutch with a considerable sum of money, deducting a third part from the debt owed by Henry to the King of England. As soon as the Spanish treaty was signed, Salisbury, who knew that James had no money to spare, declared that the agreement with France was no longer in force—an opinion which appears to have

¹ *Rymer*, xvi. 645.

derived some colour from the somewhat ambiguous terms in which the treaty was couched. The French Government was of a contrary opinion, and continued to furnish the sums required by Holland in yearly payments, and to deduct a third of these payments from its debt to England.¹

The relations with the States-General required far more careful consideration. It was certain that they would feel aggrieved at the treaty with Spain, and it was equally certain that the Spaniards would urge the English Government to break off

The blockade of the Flemish ports by the Dutch. all intercourse with the Republic. The first difficulty was presented by the expectation of the Spaniards that the English merchant vessels would be supported

by their Government in forcing the blockade of the ports of Flanders. The merchants themselves were eager to open a new trade, and a large number of vessels made the attempt to get through the Dutch squadron. The Dutch were not likely to consent to see the fruit of their efforts to starve out their enemies thus thrown away in a day. The English vessels were stopped, and their crews were subjected to no gentle treatment.² Nor were the Dutch content with blockading the ports of Flanders. They pretended to be authorized to stop all trade with Spain, and captured upon the high seas some English vessels which were employed in carrying corn to that country.³ This latter pretension was, of course, inadmissible; but Salisbury had no intention of supporting the merchants in forcing an actually existing blockade. In order, however, to fulfil the stipulation by which England was bound to take measures for opening the trade, a despatch was sent to Sir Ralph Winwood, who represented the English Government in Holland, directing him to request the States to be more moderate in their proceedings, 'and to beg them to agree to some regulations under which trade might, to a certain extent, be still carried on.'⁴ A little later, a direct proposition was

¹ An account of the money paid is among the *S. P. Holland*, 1609.

² Winwood to Cecil, Sept. 12, 1604; *Winw.* ii. 31; and Sept. 28, 1604, *S. P. Holland*.

³ Edmondes to Winwood, Sept. 30, 1604; *Winw.* ii. 33.

⁴ Nottingham, &c., to Winwood, Oct. 25, 1604, *S. P. Holland*.

, that the States should allow English vessels to go up to erp, on payment of a toll.¹ The States refused to accept proposition of the kind, and the ports remained blockaded the end of the war. The English merchants who comed to their Government of the loss of their vessels received cold answers, and were given to understand that there was intention of rendering them any assistance. The pretension e States to cut off all trade from Spain itself, without en- ing an actual blockade, was quietly dropped.

Although James had refused to advance any further sums of y to the States, he still allowed the levy of troops for their service in his dominions. A similar permission could not be refused to the Archduke ; but every difficulty seems to have been thrown in his way by the rnement.²

was not easy to preserve the neutrality of the English Questions were sure to arise as to the exact limits of the sovereignty of England. The crews of the fleet y of ng 13- which guarded the Straits, under the command of Sir William Monson, were roused to indignation at

eatment which the sailors on board the merchant vessels vouring to break the blockade had received at the hands

Dutch. Whilst, therefore, on land scarcely an English- ras to be found who did not favour the cause of the States, ilors on board the fleet were animated by very different gs.³ They even went so far as to capture a Dutch ship

was coming up the Straits with the booty which had taken out of a Spanish prize.⁴ The excuse probably was : had come too near the English coast. The capture was, ver, annulled by the Court of Admiralty.⁵

ne Spanish Government, in the hands of Lerma, was dis-

Vinwood to Cranborne, Feb. 10, 1605, *S. P. Holland*.

leumont to the King of France, March ²¹/₁₂, April ¹⁶/₂₆, ^{May 22}/_{June 1}, 1605, MSS. 127, fol. 237 ; 128, fol. 17 b, 103.

Chamberlain to Winwood, Feb. 26, 1605, *Winw.* ii. 48.

leumont to the King of France, Feb. ²¹/₁₂, 1605, *King's MSS.* 127, 7.

leumont to Villeroi, April ²¹/₁₉, 1605, *King's MSS.* 128, fol. *ibid.*

should have neglected to give positive orders to avoid bloodshed: and the fact that he did give such orders in the following year, even when he was urging the judges to put in force the penal laws, is a presumption against his having been the author of these executions.¹

It is by no means improbable that the judges brought back with them a report of the increasing number of recusants.²

Sept. 5. Commission to preside over the banishment of priests. Either through alarm at this danger, or through annoyance at the extraordinary demand which had just been made to him by the Spanish Ambassador, James determined at first to fall back on his original plan: to exile the clergy and to spare the laity. On September 5, commissioners were appointed to preside over the banishment of the priests.³ It was not a measure which was likely to prove effectual. On September 21, such priests as were then in prison were sent across the sea. From the other side they addressed a dignified and respectful letter to the Privy Council, complaining of the injustice of their treatment, and declaring that they were in no wise bound to remain abroad. Before the expulsion of the priests, the Council on September 14 discussed the case of the lay Catholics, and by a considerable majority recommended that the law should not be put in force against them. As Cranborne voted with this majority, it is to be presumed that the resolution of the Council was in accordance with the wishes of the King.⁴

The Catholic laity to be spared.

It was hardly likely that persecution, once commenced,

¹ The Nuncio at Paris, no doubt from information derived from the English Catholics, says that the executions were 'senza la participatione di quel Rè. (Del Bufalo to Aldobrandino, Aug. 14, 24. *Roman Transcripts*, R. O.) Bacon seems to imply that the judges in Elizabeth's reign sometimes acted as I have supposed their successors in the reign of James to have done, *in fel. mem. Eliz.* Lit. and Prof. Works, i. 301.

² The reported increase of recusants in the diocese of Chester, referred to at p. 202, is made up to August.

³ Commission to Ellesmere and others, Sept. 5, *Rymer*, xvi. 597.

⁴ The Banished Priests to the Council, Sept. 24, *Tierney's Dodd*, iv. xc.

would stop here.¹ Thomas Pound, an aged Lancashire Catholic, who had suffered imprisonment in the late reign for his religion, took up the case of the unfortunate persons who had suffered at the late assizes in the northern circuit. Serjeant Phelips had condemned a man to death simply 'for entertaining a Jesuit,' and it was said that he had declared that, as the law stood, all who were present when mass was celebrated were guilty of felony.² Pound presented a petition to the King, on account of which he was arrested, and, by order of the Privy Council, was prosecuted in the Star Chamber. According to one account, he merely complained of the persecution which the Catholics were undergoing, and of the statements made by Phelips at Manchester. There is, however, reason to suppose that he charged Phelips with words which did not in reality proceed from him.³ Whatever his offence might have been, the sentence of the Star Chamber was a cruel one. After browbeating and abusing him for some time, the Court condemned him to a fine of a thousand pounds, and to be pilloried at Westminster, and again at Lancaster. In all probability he did not undergo his punishment at Westminster. He was taken to Lancaster at the spring assizes of the following year, and having there made submission, he was apparently allowed to return home. His fine was first reduced to 100*l.*,⁴ and in the end was remitted altogether.⁵

¹ Notes of a debate in the Council Sept. ¹⁴, *Simancas MSS.* 841, 184. The majority were Northampton, Cranborne, Dorset, Suffolk, Northumberland, Nottingham, and Lennox; the minority, Burghley, Kinloss, and Ellesmere.

² More to Winwood, Dec. 2, 1604, *Winw.* ii. 36. See Jardine, p. 45.

³ At least I cannot understand in any other way the words in the proceedings at York and Lancaster, *S. P. Dom.* v. 73. The true date is in the spring of 1605. It is calendared among the undated papers of 1603. The passage is "First, Mr. Pound there," i.e. at Lancaster, "being resolved both by the Attorney of the Wards, and Mr. Tilsley, to whom he appealed in the Star Chamber for testimony, and by all others the Justices of the Peace at the former and this assizes present, of the untruth of his information to His Majesty, he thereupon confessed his fault."

⁴ Compare Eudæmon Johannes. *Col. Ag.* 1610, p. 238, with Abbot's *Antilogia*, fol. 132 *b.* List of Fines, *S. P. Dom.* xliii. 52.

⁵ At least I have been unable to find any trace of its payment in the *Receipt Books of the Exchequer.*

About the time when Pound was before the Star Chamber, it was resolved to take another downward step in the career of persecution. In spite of the assurance given by the Council to the Catholic gentlemen, towards the end of 1603, it was now determined that the fines for recusancy should be again exacted from the thirteen wealthy gentlemen who were liable to pay 20*l.* a month. The unfortunate men had given no pretext for this harsh treatment. It is quite possible that James's only motive was his extreme want.¹ Still there was much wanting to fill up the measure of the Elizabethan persecution. Thirteen persons alone suffered, whilst as yet no step was taken to trouble those who were not possessed of sufficient wealth to expose them to the monthly fine.

Such half-measures could not last long. Those who were most concerned in watching the course taken by the Government must have known that at any moment they might be exposed to all the weight of the old system, the terrors of which were still suspended over their heads. An event which occurred in the beginning of 1605 brought the blow down upon them.

Towards the end of 1604 Sir James Lindsay was ready to proceed to Rome. He had been well received by James, who had granted him a pension, and he was entrusted with general messages of civility to the Pope, which were backed by the paper of instructions—a copy of which must have found its way to Rome some months previously.² As he was on his journey, he gave out that he was employed by James to carry a message to the Pope, though he acknowledged that he was not travelling in any public capacity.³ On his arrival, he saw Cardinal Aldobrandino, who

Nov. 28.
Sir James
Lindsay goes
to Rome.

¹ The date of the resumption of these payments is Nov. 28, 1604, though the measure may have been resolved on some little time before. The fact that the fines were renewed before the payments for lands were demanded, is placed beyond doubt by the Receipt Books of the Exchequer. They were paid by the same thirteen persons who had paid at James's accession, and were reckoned from the 30th of July, the day of the pardon of arrears.

² Having been delivered by Parry to the Nuncio at Paris. See p. 141.

³ This seems to be the best way of reconciling the statement of Parry *S. P. Fr.* Jan. 9, 1605), who says that in Germany and Savoy Lindsay

introduced him to the Pope.¹ According to a report which reached Paris, he gave out, not only that the Queen was already a Catholic in heart, but that James was ready to follow her example if only he could have enlightenment on some particular points, such as that of the Pope's supremacy over kings. According to his own account, he did not say a word beyond his instructions.² But James's language varied from time to time, and he had often used phrases bearing a meaning much stronger than he would have been ready deliberately to assent to. At all events, the Pope gathered from Lindsay that something might be done with James. With his fervent hope of winning back England to the See of Rome, and his ignorance of the real feelings of Englishmen, he was ready to catch at the slightest symptom of a change. There was a passage in the instructions which may have been sufficient for a sanguine mind, especially when it had received the assistance of Lindsay's comments. James had declared that he would never reject reason when he heard it, and that he would never be deterred by his own 'pre-occupied self-opinion' from receiving anything which might be proved to be 'lawful, reasonable, and without corruption.' Clement had heard something very like this before. In the mouth of Henry IV. such words had been the precursors of conversion; why should not the same thing take place again? The Pope was overjoyed: he immediately appointed a committee of twelve cardinals for the purpose of taking into consideration the condition of England.³ Cardinal Camerino talked of sending to the King a copy of Baronius's huge 'Church History,' which, uncritical as it was, was regarded at Rome as establishing

had qualified himself 'with the title of His Majesty's Ambassador,' with Lindsay's own declaration at Venice, that he had no commission from the King.—Villeroi to Beaumont, Dec. ^{12,}_{22,} 1604. *King's MSS.*, 127, fol. 77.

¹ Aldobrandino to the King, Jan. ^{13,}_{23,} 1605, *S. P. Italy*.

² Lindsay to the King, Jan. ^{13,}_{23,} 1605, *S. P. Italy*. Compare Villeroi to Beaumont, Dec. ^{12,}_{22,} 1604. *King's MSS.* 127, fol. 77.

³ With Lindsay's letter, compare Parry to Cranborne, Feb. 7 (true date, dated in orig. Jan. 7), 1605, *S. P. France*.

the claims of the Popes upon a thoroughly historical basis.¹ The Pope ordered that prayers, in which he himself joined with great earnestness, should be offered up for the welfare of the King and for the conversion of England.² Lindsay was informed that the Cardinals had recommended that some one should be sent to England, but that they had not been able to decide whether they should send 'a legate, a nuncio, or some secular gentleman.

James was greatly annoyed.³ For a week or two all Europe believed that he was about to renounce his faith. He immediately directed his ambassador at Paris to declare that he had no intention of changing his religion. When the Nuncio brought him Cardinal Camerino's presence he was to take it rather than give offence by refusing; but he believed that it was all a trick to make men suppose that he was engaged in secret negotiations with Rome.

These rumours reached England at an unfortunate time. During the winter James had been employing his energies in his attempt to suppress Puritanism, and was therefore already labouring under a suspicion of a leaning towards Popery.⁴ In those in whom he reposed confidence, and who were not either openly or secretly Catholic, wished for the re-imposition of the fines. "I love not," wrote Cranborne, a little after this time, "to yield to any toleration; a matter which I well know no creature living dare propound to our religious sovereign. I will be no less than I am, or rather nothing at all, before I shall become an instrument of such a miserable change."⁵ James

¹ See Pattison's *Casaubon*, 362.

² Lindsay to the King, *Jan.* 26, 1605, *S. P. Italy*. For Lindsay's account of himself, see also Lindsay to Semple, Sept. 18, 1605, *S. P. Spain*.

³ Henry IV. told the Nuncio Barberini that James had spoken to his ambassador as if the affair of Lindsay was his principal grievance. Barberini to Valenti, May 12, *Roman Transcripts, R.O.*

⁴ "I wish, with all my heart, that the like order were taken, and given not only to all bishops, but to all magistrates and justices, to proceed against Papists and recusants, who, of late, partly by this round dealing against Puritans, and partly by reason of some extraordinary favour, are grown mightily in number, courage, and influence."—Archbp. Hutto Cranborne, Dec. 18, 1604, *Winw.* ii. 40.

⁵ Cranborne to Hutton, Feb., *Lodge*, iii. 125.

principles were once more tried, and they gave way beneath the test. He would prove the purity of the motives which led him to persecute the Puritans by adding to his offence the persecution of the Catholics also.

He made his determination known on February 10. On that day he was to address the Council on the subject of the Northamptonshire petition. "From the Puritans," He determines to put in force the penal laws. we are told by one who was probably an eye-witness of the scene, "he proceeded to the Papists, protesting his utter detestation of their superstitious religion, and that he was so far from favouring it as, if he thought that his son and heir after him would give any toleration thereunto, he would wish him fairly buried before his eyes. Besides, he charged the Lords of the Council and the Bishops present that they should take care themselves, and give order to the judges of the land, to the justices and other inferior officers, to see the laws speedily executed with all rigour against both the said extremes."¹ Three days later, the Chancellor charged the judges to put the laws into execution at the ensuing assizes, only taking care to shed no blood. A similar intimation was conveyed, by the Recorder of London, to the Lord Mayor and Aldermen.

The effect of these admonitions was not long in showing itself. On the day after the Lord Mayor had been informed of the King's wishes, forty-nine persons were indicted at the sessions which were then being held for London and Middlesex. In different parts of England five thousand five hundred and sixty persons were convicted of recusancy.²

It must not, however, be supposed that anything like this number were actually called upon to surrender the two-thirds of their lands required by the law. Large numbers Fines actually levied. bought themselves off by giving a small bribe to one or other of the King's Scottish favourites who were mosty favourable to the Catholics, or even by offering to the

¹ — to the Bishop of Norwich, Feb. 14, 1605. *Ellis*, 2nd ser. iii. 215. Chamberlain to Winwood, Feb. 16, 1605, *Winw.* ii. 48. In the printed copy the date is incorrectly given as Feb. 26.

² See the papers printed in Tierney's *Dodd.* iv. App. xcii. The originals are in the *S. P. Dom.* xii. 80 and liv. 65. Mr. Tierney has ante-dated the

King himself a payment less than that which the law allowed him to take.¹ The number of those who paid the full two-thirds, in consequence of these indictments, was one hundred and twelve. There were also sixty-five persons whose lands had been previously sequestered. The rents of the lessees of these lands had been allowed to fall into arrear, and these arrears were now demanded. In the year 1606, when these arrangements had come into full operation, many of those whose lands had paid in the previous years were exempted from payment. The total number of persons whose lands were charged in that year was one hundred and sixty-two. Of this number, twenty-eight had paid even in the exceptional year 1604, forty-two had been liable to pay, but had been excused, and the remaining ninety-two had been fresh additions to the list since the spring of 1605.² The amount received from this source, which in 1604 had been 1,132*l.*, rose in 1606 to 4,397*l.*

first of these papers by a year. The latter, which is placed in the calendar among the undated papers of 1606, may be restored to its true place by comparing it with v. 73; the date of which is fixed, by the mention of Pound, to the spring of 1605.

¹ News from London, Sept. ¹⁰, *Roman Transcripts, R O.*

² These calculations are based upon the Receipt Books of the Exchequer. The difficulty of collecting so many names and figures from a series of accounts extending over six thick folio volumes, is so great that it is quite possible that a few names may have escaped me. I am, however, sure that any errors of this kind are not of sufficient consequence to affect the substantial accuracy of the results. The subsequent calculations have been made in the following manner:—In 1604, 37 persons were charged, and arrears were afterwards paid by the lessees of the lands of 65 persons. Two names appear in both lists, being charged for different pieces of lands. Accounting for these, we have a total of 100, as the number of those liable previously to February 1605. Of these, 70 only reappear in 1606, and there are 92 new names. In 1605, there were 38 new names, of which 18 reappear in 1606, and 20 do not reappear. Adding this 20 to 92, we have 112 as the highest possible number of persons losing their lands in consequence of indictments in 1605. Persons indicted after Easter 1606 would not be liable to payment till after Easter 1607. On the other hand, it is not impossible that some of these 112 may have been possessed of lands which had been leased out in the Queen's times,

Besides these additions to the list of those who were liable to payments for land, one name had been added to those who were called upon for the statutory fine of 20*l.* a month. The number of those who made this high payment was now fourteen, till the death of Sir Thomas Tresham, in September 1605, again reduced it to thirteen.¹

A smaller amount was obtained by the seizure of the goods and chattels of recusants. This in 1605 reached 368*l.*, in 1606 472*l.* It must have been a particularly annoying mode of obtaining money ; and it is plain, from the smallness of the sums which were levied from each person, that it was regarded as a means of rendering the poor Catholics as uncomfortable as possible.

The arrears which were called for in 1605² reached the sum of 3,394*l.* ; but as the yearly or half-yearly rent due in that year was reckoned together with the payments which had lapsed in former years, a sum of 2,000*l.* will be more than enough to cover all that can properly be called arrears.

Though for some reason they had not paid in 1604, and had not been called upon for arrears. These arrears were, of course, paid by the lessees, though they probably fell eventually on the owners. Mr. Jardine's figures, (*Narrative*, p. 19) are quite erroneous. He must have been led astray by some inefficient copyist ; as the figures in the MS. from which they are taken are quite plainly written ; see *Notes and Queries*, 2nd series, ix. 317.

¹ Though sixteen were liable, only thirteen had actually paid at any time since James's accession.

² In this statement, the years mentioned are financial years, commencing on Easter-day. I have no wish to say anything which may diminish the reprobation with which the whole system must be regarded, but it is certainly rather curious to contrast the real facts of the case with the exaggerations of Lingard, who has been more or less closely followed by succeeding writers. He says that the 20*l.* fines were demanded, 'not only for the time to come, but for the whole period of the suspension ;' that 'the least default in these payments subjected the recusant to the forfeiture of all his goods and chattels, and of two-thirds of his lands. What happened was bad enough, but the 20*l.* men were never called upon for arrears, and, as far as I have been able to trace the names, the forfeitures of goods and chattels were only demanded from those from whom no lands had been seized. Mr. Jardine, amongst others, adopted these erroneous statements, *Narrative of the Gunpowder Plot*, 23.

The Catholic gentry must have been especially aggrieved by the knowledge that much of the money thus raised went into the pockets of courtiers. For instance, the profits of the lands of two recusants were granted to a footman,¹ and this was by no means an isolated case.

If the victims were dissatisfied, zealous Protestants, on the other hand, doubted whether enough had been done. When, however, the judges were leaving London for the summer recess, the judges, James again laid his commands upon them not to spare the Papists. Upon this, Sir Henry Neville² wrote to a friend, telling him that it was 'generally feared that there would be none of the priests executed, without which, he doubted, 'all the other provision' would be fruitless; for they are the root and fountain of all the mischief.' "For my part," he proceeded to write, "I am persuaded they are irrecoverable, and will never be satisfied nor made easy to the State unless they have their whole desire at the end. And, however they pretend now to seek only impunity, yet, that they need assuredly they will not rest there, till they have obtained a further liberty. Therefore, if we mean not to grant all we are as good deny all, and put them to an issue betimes, either to obey or not, lest it break out *alieniore tempore*, when they be more prepared, and we peradventure entangled in some other business."

The equal repression of Puritans and Catholics, the old policy of Elizabeth, which James now adopted, was the policy favoured by Cranborne. That statesman, so energetic and different, but with so little power of forecasting the future, stood higher than ever in his master's favour. On May 4, 1605, he was created Earl of Salisbury, in reward for his many services.

Thus ended this attempt at toleration, the first made

¹ Worcester to the Council, June 17, 1605: *S. P. Dom.* xiv. 43. The money was not given to the grantee till after it had been paid into the Exchequer, so that the owner of the land possibly knew nothing of his own particular case: but he must have had a general knowledge of these proceedings.

² Neville to Winwood, *Winw.* ii. 77.

by any English Government. James I. had given way, partly no doubt through lack of firmness. But, in the main he had succumbed to the real difficulties of the situation.

Difficulties
in the way
of toleration.

The Catholics were no petty sect to which a contemptuous toleration might be accorded. They were still a very considerable portion of the community, even if the calculation frequently made at that time, that they amounted to one-third of the population, be discarded as a gross exaggeration. No doubt, to the majority of the Catholic laity, smarting under recent persecution, the calm upon which they had entered soon after the King's accession, was sufficient gain. But to the clergy it could not be so. The priests were men who had hazarded their lives to disseminate that which they believed to be divine truth, pure and undefiled. They could not be content now with the mere edification of their existing congregations. They would feel themselves to be base indeed if they did not fulfil the mission on which they had come. Yet, as the number of Catholics increased—when the fear of persecution was removed it was certain to increase—it would not be the mere growth of an obnoxious religion with which a Protestant Government would find itself confronted. The Church which these men joined was pledged to change the moral and intellectual atmosphere in which Englishmen moved and breathed. Neither freedom of thought nor political liberty had as yet reached their perfect development in England, but it was beyond doubt that the victory of the Papacy would extinguish both. Even the received maxims of the nineteenth century would hardly be proof against a demand for toleration put forward by a community which itself refused toleration to all those principles on which our society is based, if it had any chance of acquiring sufficient strength to employ against others that persecution which in its own case it deprecated. The one condition which renders toleration possible is a sense of security; either from the overwhelming strength of those who have the power to persecute, or from the existence of a general opinion adverse to the employment of force in the suppression of opinion. It is certain that in the England of the opening of the seventeenth century

no such condition was present. No general feeling in favour of toleration existed. Whether English Protestantism were strong enough to defy the Papacy and all its works may be a question to which different answers may be given, but there can be no doubt that those who were intrusted with its guardianship did not feel confident of the results if it were left unsupported by the State. For a quarter of a century the tide of the Catholic reaction had been flowing steadily on upon the Continent. In Germany and in France the Jesuits had been gaining ground persistently, and those who governed England were determined that, as far as in them lay, it should not be so here.

If we may fairly regret that the National Church had not been able to enlarge its borders in accordance with the advice given by Bacon and the House of Commons, it was well that the favoured portion of it should be that which was unhampered by the petty susceptibilities of the lower Puritanism. A great intellectual struggle with Rome was impending, a struggle which must be conducted on other lines than those which had sufficed for the reasoners of the preceding century. It would not now suffice to meet dogmatism with dogmatism. The learning of Baronius and Bellarmine must be met with a deeper, wider learning than theirs ; by a more accurate knowledge of the history of the past, by a firmer grasp on the connection of truth, and on the realities of human nature. It was perhaps inevitable that those who were preparing themselves for this work, should be repelled by the narrowness of contemporary Puritanism, and should not perceive that they too represented a phase of religion which the Church could ill afford to be without.

As yet the evil was not great. The Calvinistic doctrines were not proscribed. There was no very strict inquisition into the absolute conformity of a minister with every minute requirement of the rubrics, provided that he conformed on those points which had recently attracted attention. The Church under James was still in the main a national one. But the danger of its becoming a sectional Church was there, partly because after the cessation of danger from without men's minds were inclined

to follow divergent courses, partly because the Church had attached itself to the State, and in James's hands the State was already becoming less broadly national than it had been in the days of Elizabeth.

It was this danger which was the main result of the Hampton Court Conference. The teaching of an age will always reflect its sentiments as well as its knowledge. James had now ruled that those who shared in those sentiments should be excluded from teaching. The Church of England was not to be quite as comprehensive as Bacon wished it to be. If it should come to pass that a Sovereign arose who wished it to be less comprehensive still, it might go hard with that Sovereign. It may be that the course taken would ultimately have been inevitable, that it would have been impossible to provide any organization in which such a man as Whitgift could have worked harmoniously with such a man as Cartwright. But if this were the case, some place must be found for the proscribed elements. If the Church was to cease to be comprehensive it must become tolerant. Men must agree to worship separately in peace if they cannot agree to worship peacefully together.

A system in which an established Church is surrounded by independent tolerated churches may not be ideally perfect, and even in England it is not likely to hold its own for ever. But it was the only solution of the problem fitted for the seventeenth century when once Bacon's solution had been rejected. It gave to the national religion in a new way that combination of organization with individual liberty which Bacon had seen to be indispensable. In the development of this religious liberty the Catholics, little as they knew it, were even more deeply interested than the Puritans. Only when the two parties which divided Protestant England were pacified, either by peaceful union or peaceful separation, would they feel themselves strong enough to tolerate an enemy so formidable as the Church of Rome.

CHAPTER VI.

GUNPOWDER PLOT.

THE renewal of the persecution of the Catholics may appear to the historian to be the inevitable result of the claim of the Pope to universal authority, under the conditions of the times. It was not likely to appear in that light to the Catholics themselves. They would see no more than the intolerable wrongs under which they suffered; and it would be strange if there were not some amongst them who would be driven to meet wrong with violence, and to count even the perpetration of a great crime as a meritorious deed.

Robert Catesby, who was possibly a convert from Protestantism, was a man capable of becoming the leader in any action requiring clearness of head and strength of will. He was a born leader of men, and had the rare gift of a mind which drew after it all wills in voluntary submission. At the end of Elizabeth's reign he had despatched to Spain Thomas Winter, in company with the Jesuit Greenway, to urge Philip to send an invading force to England. He was to assure the Spaniards that they would not want allies amongst the warlike companions of Essex, who had now lost hope of employment after the Earl's death. Philip and Lerma adopted the proposal, and promised Winter to send a force to Milford Haven in the spring of 1605. Then came the death of the Queen. Catesby sent another of his friends, named Christopher Wright, to Spain, to know if there was still any hope of Spanish intervention. Wright was at once able to report that there was none. The Spaniards were all bent on peace with James.¹

Indignation
of the
Catholics.

Catesby.

Winter's
mission to
Spain.

No help to
be expected
from Spain.

¹ T. Winter's declaration, Nov. 26, 1605, *Hatfield MSS.* 112, fol. 91.

By the time that this news reached Catesby, James had arrived in England, and under pressure of the Privy Council had given orders for the first temporary collection of the Recusancy fines. As Catesby brooded over the wrongs of his Church—wronges which were made the more palpable to him by the fact that so many of his kinsmen and friends were suffering by those evil laws—the idea arose within him, though we cannot tell how far it was as yet defined in his mind, of righting the grievous wrong by destroying both the King and Parliament by means of gunpowder, and of establishing a Catholic Government in their place. Perhaps the design had not completely taken shape when, one day, a Catholic friend, Thomas Percy, rushed into his room. Percy was a relative of the Earl of Northumberland, and, at this time, was acting as his steward. Through him James, whilst yet in Scotland, had conveyed assurances of relief to the English Catholics. He now believed himself to have been a dupe whose easy credulity had held back his co-religionists from active measures. He angrily told Catesby that he had resolved to kill the King. “No, Tom,” was the reply, “thou shalt not adventure to small purpose ; but, if thou wilt be a traitor, thou shalt be to some great advantage.” Catesby added that ‘he was thinking of a most sure way,’ and would soon let him know what it was.¹

A few weeks later matters looked brighter for the Catholics. In July their fines were suspended, and during the remainder

¹ Garnet’s declaration, March 8, 1606, *Hatfield MSS.*, 110, fol. 30. This valuable paper throws back the original conception of the plot nine or ten months earlier than has hitherto been supposed. It is true that Garnet expressly said, in a subsequent examination of March 10 (*Hatfield MSS.*, 110, fol. 35) : “I never was told, nor can imagine, when or where Percy moved the matter first, for all my knowledge came by a sudden and short relation by Mr. Greenwell,” *i.e.* Greenway ; but the reference to Percy, at the time of his visit to Catesby, as one ‘who, having been sent into Scotland to his Majesty by the Catholics to sue for toleration, and affirming here that the king had given his princely word to that effect, and seeing the same here not performed, was very much discontented,’ can only apply to the time of the first imposition of the fines by James in May, 1603.

of the year a more tolerant system was established. So far as we know, Catesby said no more about his plan, and may possibly have intended to let it sleep, unless some changes for the worse took place in the policy of the King. That change came in February 1604. The proclamation for the banishment of the priests was not indeed carried into execution at the time, but it must have seemed, to a mind so sensitive as that of Catesby to the warnings of impending danger, to be ominous of evil days in store.

A few days after the issue of the proclamation,¹ Thomas Winter, who was on a visit to his brother Robert, at Huddington, in the neighbourhood of Worcester, received a letter from his cousin, Catesby, entreating him to meet him in London on business of importance. After some hesitation, he consented. He found Catesby at Lambeth, in company with John Wright, who had for many years been one of his most intimate associates. On Winter's arrival, Catesby begged him to join in striking one more blow for the Catholic cause. He told him that he had formed a design which could scarcely fail of success. He proposed to blow up the Parliament House with gunpowder. God would surely favour them in taking vengeance upon that accursed den from whence had issued all the evils under which the country and the Church were suffering. Winter acknowledged that such a course would strike at the root of the evil, but reminded him that in case of failure 'the scandal would be so great which the Catholic religion might hereby sustain, that not only our enemies, but our friends also, would with good reason condemn us.' It does not seem to have occurred to him that the scandal would be at least as great if they succeeded. Catesby, with that strange power of fascination which he exercised over all with whom he came in contact, soon put an end

¹ It was in the beginning of Lent. Conf. of T. Winter, Nov. 23, *Gunpowder Plot Book*. This collection, kept apart amongst the State Papers, will hereafter be designated as *G. P. B.* In 1604 Ash Wednesday fell on the 21st of February, the day before the issue of the proclamation.

his hesitation. Winter did not leave him until he had given him a promise to risk his life in this or in any other design upon which his cousin might determine.

It was probably in deference to Winter's scruples that Catesby consented to his going over to Flanders, in order to obtain an interview with the Constable of Castile, who then was on his way to England to take part in the negotiations for peace. He was to attempt to secure his intervention with the King on behalf of the English Catholics. If he was unsuccessful—and it is plain that Catesby had no great hopes from that quarter—Winter was to engage the services of an Englishman who was then in Flanders, and whose known character for courage and skill were such as to make him a desirable acquisition to the plotters. This Englishman was Guido Fawkes.

Winter left England early in April.¹ He obtained nothing but vague promises from the Constable ; and from all that he heard, he came to the conclusion that but little reliance could be placed upon the Spanish Government. Towards the end of the month he returned, bringing Fawkes with him, who had agreed to come, on the general information that some design had been formed of which he was hereafter to learn the particulars. Soon after Winter's return, Percy, who seems not to have been acquainted before with the particulars of Catesby's scheme, appeared amongst the four conspirators. His first words as he entered the room in which they were sitting were, "Shall we always, gentlemen, talk, and never do anything?" Catesby took him aside and proposed that they should all join in taking an oath of secrecy before he disclosed its particulars. For this purpose, these five men met shortly afterwards in a house behind St. Clements, where they swore to keep any secrets which might be confided to them. They then went into another room in the same house, where they found Gerard, a Jesuit priest ;² from

¹ About Easter, which fell on the 8th of April. Exam. of Fawkes, Nov. 8, 1605, *G. P. B.*

² Fawkes's Exam. Nov. 9, 1605, *G. P. B.*

of Lord Mordaunt, at Turvey in Bedfordshire, where his wife had the charge of the education of the children. He, too, was informed of the plot, and sworn to secrecy. When the time for commencing operations arrived, Fawkes was sent to London to examine the ground. He found that the house which Percy had taken had been selected by the Commissioners for the Union as the place in which their meetings should be held. This unexpected obstacle delayed the progress of the scheme till December 11. As soon as the conspirators obtained access to the house they commenced their labours, and by Christmas Eve they succeeded in removing the obstacles which separated them from the lower part of the wall of the Parliament House.

Dec. 11.
The plotters
begin the
work.

As was natural, they often talked over their plans during the intervals of work. They sincerely hoped that Prince Henry, the King's eldest son, might be with his father at the opening of the session, in which case he would be involved in a common destruction with him. Percy, who was now a gentleman pensioner, and, as such, had access to the Court, promised to secure the person of Prince Charles, who had recently been created Duke of York. The Princess Elizabeth—with the exception of an infant princess, the only other child of the King—was being brought up in the family of Lord Harington, at Combe Abbey, in the neighbourhood of Coventry, and she was consequently within reach of the residence of Catesby's mother, at Ashby St. Legers, in Northamptonshire. This would make it comparatively easy to obtain possession of the child. With this advantage, and with a little money and a few horses, these sanguine dreamers fancied that they would have the whole of England at their feet.

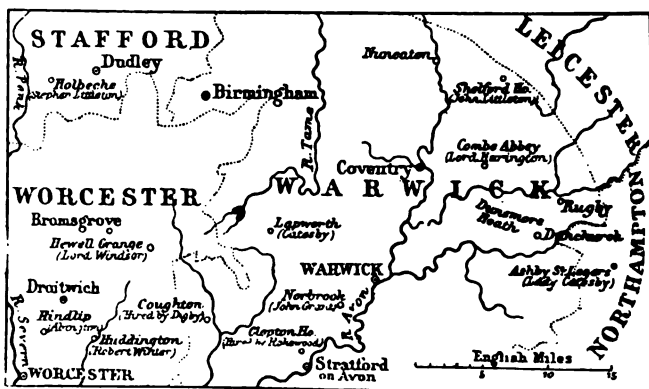
Whilst they were still working at the wall, news was brought to them that Parliament was prorogued till October. Upon this they determined to give themselves a little rest. During this interval Catesby went to Oxford, and sent for Winter's elder brother, Robert, and for John Grant, who had married a sister of the Winters.¹

Robert
Winter and
John Grant
informed of
the plot.

¹ Examination of R. Winter, Nov. 30, 1605, *G. P. B.* Examination

Robert Winter's house at Huddington, and Grant's house at Norbrook, in Warwickshire, were admirably suited for the carrying out of their future operations. After swearing them to secrecy, Catesby told them what he was doing. Winter made several objections, but Catesby's irresistible powers of persuasion were again brought into exercise, and Winter left him saying that it was a dangerous matter, but for his oath's sake, and for the love that he bore to his cousin, he would not reveal it.

Bates joins the plotters. Bates Catesby's servant, had been already admitted to the secret. His master, seeing that he was evidently suspicious of what he heard and saw, thought it prudent



to confide the whole matter to him ;¹ but he was never allowed to take any prominent part in the conspiracy.

In the beginning of February, by which time the whole system of recusancy fines was once more in full swing, the plotters again commenced operations. Finding the work hard as ever, they sent for Wright's brother Christopher, to share it with them. His devotion to the cause was well known, and they were certain to find in him

Feb. 1605.

Christopher Wright admitted.

of J. Grant, Jan. 17, 1606, *G. P. B.* R. Winter to the Lords Commissioners, Jan. 21, 1606, *G. P. B.*

¹ In his Examination (Dec. 4, 1605, *G. P. B.*) he said that he was told about a fortnight less than a twelvemonth ago.

faithful confederate. They sent for the gunpowder which was stored at Lambeth, and were thereby enabled to release Keyes from his duty of watching it, and to employ him in digging at the wall. In spite of all difficulties, they worked on for another fortnight. It was not an easy task, getting through nine feet of wall. Besides their other difficulties, the water flowed in and hindered them in their work. About the middle of the month they again desisted from their labour.

Two or three weeks later they prepared for another effort. One day as they were working, a rustling sound was heard.

March.
The conspirators
hear of a
cellar that
will suit
them.

Terrified lest their proceedings had been discovered, they sent Fawkes to find out the cause of the noise. He returned with the intelligence that it proceeded from a Mrs. Bright, who was selling off her stock of coals in an adjoining cellar. This cellar, as they found, ran under the Parliament House, so that it would be exactly suited for their object. Mrs. Bright agreed to sell the lease to them. This lease she held from a man named Whynniard, who was also the landlord of Percy's house. Percy told him that he required additional accommodation for his coals, as he intended to bring his wife to London.

Their work being thus lightened, they proceeded to open a door between the house and the cellar,¹ through which Fawkes carried the twenty barrels of powder which had been brought from Lambeth. He placed upon the barrels several bars of iron, in order to increase the effect of the explosion. The whole was covered over with a thousand billets of wood and five hundred faggots. As soon as this was done, they all dispersed till October, when they expected that Parliament would meet.

During the course of the summer, the growing discontent of the Catholics may be traced by the renewal of the informations which from time to time reached the Government of the suppressed dissatisfaction which here and there came to the surface. Men went about with wild talk of insurrections and revolutions, and predicted to their Protes-

June.
Discontent
among the
Catholics.

¹ Examination of Fawkes, Nov. 5 and 6, 1605, *G. P. B.*

tant neighbours the near approach of the day when blood again flow for the cause of Holy Church.¹ Amongst the mountains Catholic priests preached to large congregations. In Herefordshire, the Sheriff came into actual collision with a body of Catholics, who were especially numerous in the county.³ In August and September, in spite of the charge, three laymen were executed for attempting to assist their neighbours.⁴

Meanwhile the conspirators had not been idle. When he left London in the spring, Fawkes was sent over to Flushing, where he imparted the plot to the Jesuit Owen Proceedings of Fawkes, 'seemed well pleased with the business.'⁵ He advised him not to acquaint Sir William Stanley with the spiracy, but promised that as soon as it had taken effect he would inform him of all the particulars, and would engage his assistance in the insurrection which was expected to break out in England. Fawkes returned to London about the end of August.

At this time, Lord Arundel of Wardour, a Catholic gentleman, who had seen much service on the Continent, was left in charge of a body of men in England for the service of the Archduke. In forwarding this object, Lord Arundel was particularly busy. He contrived that several of the officers should be appointed from amongst his friends,⁶ and entered into an understanding with them that they should be ready to return to England whenever the Catholic cause required assistance. In September, he sent a certain Sir Edmund Baynham on a mission to the Pope. It is doubtful how far the particulars of the plot were revealed to him. He was to be on the spot, in order that, as soon as

¹ Depositions as to seditious speeches uttered by John Parker, A.D. 1605, *S. P. Dom.* xv. 43.

² Barberini to Valenti, Sept. 12, *Roman Transcripts*, R. O.

³ Bishop of Hereford to Salisbury, June 22, 1605, *S. P. Dom.*

⁴ Challoner's *Missionary Priests*.

⁵ T. Winter's Confession, Nov. 23, *G. P. R.*

⁶ Jardine, 61, from Greenway's *MS.* Compare Birch's *History*, p. 251.

news arrived at Rome of the destruction of the tyrants, he might win the Pope over to second the further efforts of the conspirators. Of the three priests who were afterwards inculpat^d, Gerard may perhaps have been aware that some scheme of unusual importance was on hand, though there is strong reason to believe that he was not made acquainted with the particulars.¹ Greenway both knew of the plot and favoured its execution ; whilst Garnet, the Superior of the Jesuits in England, had been acquainted with it at least as early as in July by Greenway in confession. He always denied that he looked upon the project otherwise than with the utmost abhorrence ; but circumstantial evidence leaves but little doubt that his feelings were not quite so strongly expressed as he afterwards represented them, and perhaps imagined them to have been.²

In September, Winter and Fawkes were busy bringing in fresh barrels of powder, to replace any which might have been spoiled by the damp.³ Towards the end of the month, they heard that Parliament was again prorogued to November 5, upon which they both returned to the country for a few weeks.

Whilst they were in London, circumstances occurred which eventually ruined the whole undertaking. As long as the only question had been the selection of men fit to take part in the plot, Catesby's discretion had been sufficient to guide him to the right persons ; but for the execution of their further designs money was requisite as well as men, and money was now running short with the conspirators. To engage a wealthy man in the plot was as dangerous as it would have been to engage a very poor man. From the existing system of fines the poor suffered nothing, because they had nothing to lose ; the rich suffered little because they could afford to pay. Nevertheless it was a risk which must be run. Without horses and arms and ready money no insurrection

¹ See p. 238.

² The question of Garnet's complicity will be discussed when his trial comes under review.

³ Examination of Fawkes, Nov. 8, 1605, *G. P. B.*

had a chance of success, and for these requisites the pockets of the conspirators were unable to supply the necessary funds. In the course of September, Percy met Catesby at Bath, where the two friends discussed the difficult question together.¹ It was at last decided that Catesby should be intrusted with the selection of persons to whom he might confide the secret. His choice fell upon three men, two of them, Sir Everard Digby and Ambrose Rokewood, were very young; it was perhaps hoped that their youth would render them sufficiently enthusiastic to set aside prudential considerations. The third, Francis Tresham, was indeed older, but his wealth offered a powerful inducement to men with whom money was an object; and his participation in previous intrigues gave some guarantee that he would not be unwilling to engage in the present design.²

Ambrose Rokewood, of Coldham Hall, in Suffolk, had long been an intimate friend and an ardent admirer of Catesby. At first he expressed some reluctance to take part in the plot, because he feared that it would be impossible to save those Catholic Peers who would be present at the opening of the session. Catesby told him that a trick would be put upon them, so that he need have no fears on that score.³ Rokewood then said that 'it was a matter of conscience to take away so much blood.' Catesby assured him that he had been resolved by good authority that the deed was lawful, even if some innocent men should lose their lives together with the guilty. Upon this Rokewood gave up his scruples. In order to be at hand when he was wanted in November, he took a house at Clopton, in Warwickshire.⁴

Early in October,⁵ Catesby was residing with Digby in the

¹ T. Winter's Confession, Nov. 23, 1605, *G. P. B.*

² According to Jardine, p. 62-66, Digby was twenty-four, and Rokewood twenty-seven. Wood makes Tresham about thirty-eight. *Atk. Ox. Bliss*, i. 755.

³ Examination of Rokewood, Dec. 2, 1605, *G. P. B.*

⁴ Examination of R. Wilson, Nov. 7, 1606. He says the lease was asked for about ten days before Michaelmas.

⁵ About Michaelmas (Examination of Sir E. Digby, Nov. 19, *S. P. Dom.* xvi. 94). About a week after Michaelmas (Examination of Sir E. Digby, Dec. 2, *G. P. B.*).

neighbourhood of Wellingborough. After raising some objections, Digby too yielded to the fascination, and threw himself headlong into the plot.¹ A suitable house was procured for his temporary residence at Coughton, in Warwickshire, a place lying on the borders of Worcestershire. What was still more to the purpose, he offered 1,500*l.* for the good of the cause.

The last person to whom the secret was revealed was Tresham, who had, upon the death of his father in September, inherited the estate of Rushton, not far from Kettering. He was a cousin of Catesby and the Winters, and had taken part with them in Essex's rebellion, as well as in the negotiations with Spain shortly before the Queen's death.

There were now thirteen persons who were intrusted with all the details of the scheme. But it was also necessary to take some measures in order that a large number of malcontents might be ready to join the insurrection on the first news from London. Accordingly, it was proposed that Digby should hold a great hunting match at Dunchurch on the day of the meeting of Parliament, to which a large company of the Catholic gentry of the Midland counties were to be invited. If Prince Charles escaped the fate prepared for his family, Percy was to snatch up the child, and to rush with him in his arms to Worcestershire. As soon as the news arrived that the explosion had succeeded, the gentlemen who had come to the hunt were to be urged to seize the Princess Elizabeth, who was at Combe Abbey, within an easy ride of eight miles. Either she or Prince Charles was to be proclaimed as the new Sovereign, the nation was to be won over by the announcement of popular measures, and the Protestant Church would be at the feet of the conspirators.

In the midst of all these sanguine anticipations one difficulty presented itself, how were the Catholic Lords to be prevented from attending the opening of Parliament? This difficulty had long been felt by Catesby and his companions, but it pre-

¹ See his letters in the Appendix to the Bishop of Lincoln's *Gunpowder Plot*, 1679.

sented itself with increased force as the moment for action approached. There were those among the conspirators who were connected by special ties with some of the Peers: The Catholic Lords must be warned. Percy was in the service of his kinsman, the Earl of Northumberland; Lord Mordaunt had intrusted his children to the charge of Keyes's wife; Lord Stourton and Lord Monteagle had both married sisters of Tresham. It would be impossible for any Catholic to regard with complacency any act which would involve in ruin Lord Montague, who had dared to stand forth as the champion of his religion in the House of Lords, or the young Earl of Arundel, the son of that Earl who was honoured above all the Catholic martyrs of the reign of Elizabeth, and who had by James's favour been lately restored to his father's honours. Many were the appeals which October. had been made to Catesby, who was the guiding spirit of the plot. Sometimes he answered that the nobility were but 'atheists, fools, and cowards'; at other moments he assured his friends that means should be taken to warn them. He had a scheme for sending some one to inflict a slight wound on Lord Arundel, so as to incapacitate him from leaving his house. It is probable that many of the Catholic Peers received hints to absent themselves from the opening of the session. But such warnings could not safely be given to all. Catesby was warmly attached to the Earl of Rutland, 'but it seemed then he was contented to let him go.' Even Catholic peeresses who came merely to enjoy the spectacle must be sacrificed, though not without compunction. Mr. Catesby, according to Garnet's statement, 'could not find in his heart to go to see the Lady Derby or the Lady Strange at their houses, though he loved them above all others; because it pitied him to think that they must all die.'¹

Among the plotters was one who had never entered heart and soul into the matter. Tresham had, by his father's death, Tresham wavers. lately succeeded to a large family property, and the temper of a man who has just entered into the enjoyment of considerable wealth is by no means likely to fit him for a conspirator. Catesby's sagacity had here deserted him,

¹ Garnet's Examination, March 10, 1606, *Hatfield MSS.* 110, fol. 35.

or had perhaps been overpowered by his eagerness to share in Tresham's ready money. If we are to believe Tresham himself,¹ he at once remonstrated with his cousin, and reminded him that even if they succeeded they would be exposed to the fury of the enraged nation. He pointed out to him that when the organization of the Government was destroyed, the country would fall into the hands of the Protestant clergy, who would form the only organized body remaining in existence. He appears to have given way at last, and to have promised to give 2,000*l.* to the cause.

Tresham pleaded strongly for his brother-in-law, Lord Monteagle, and when he found that the other conspirators were unwilling to risk their lives by giving him warning, he probably formed the determination to take the matter into his own hands. He told them that it would be necessary for him to go down into Northamptonshire, in order to collect the money which they required, and he made an appointment with Winter to meet him as he passed through Barnet on his return, on October 28 or 29.

On the 25th, and perhaps on the 26th, he was still in London. On one of those days, Winter came to him at his lodgings in Clerkenwell, and obtained 100*l.* from him.² Shortly afterwards he was on his way to Rushton.

On the 26th, Lord Monteagle ordered a supper to be prepared at his house at Hoxton, although he had not been there for more than twelve months.³ He was a man who had been

¹ Declaration of Tresham, Nov. 13, 1605, *S. P. Dom.* xvi. 63.

² This fact, which is distinctly stated by Winter (*Exam.* Nov. 25, 1605, *G. P. B.*), seems to have been overlooked by Mr. Jardine. It strengthens the evidence against Tresham, as it shows that he must have been in London within twenty-four hours of the delivery of the letter, if he was not there on the very day. It is suspicious that while Tresham gave rather a minute account of his proceedings, and mentioned a later occasion on which Winter came to him for money, he never spoke of this visit in his examinations, as if he had been unwilling to have it known that he was in London at the time.

³ Greenway's MS. in Tierney's *Dodd.* iv. 50. The King's History of the Gunpowder Plot, *State Trials*, ii. 195. Account of the plot drawn up by Munck, and corrected by Salisbury, *G. P. B.*, Nov. 7, 1605.

closely connected with some of the principal conspirators. He was himself a Catholic. He had been engaged in Essex's rebellion, and he had shared in promoting Winter's journey to Spain.¹ It has been suspected that even at that time he furnished information to the Government. However this may have been, on the accession of James he gave his whole support to the new King. His advances were accepted, and he was admitted to high favour at Court.²

As he was sitting down to supper, one of his footmen came in, bringing with him a letter which he had been requested to give to his master by a man whose features he had been unable to distinguish in the dark winter night. Lord Monteagle took the letter, and as soon as he had glanced over it, handed it to Ward, one of the gentlemen in his service, requesting him to read it. The letter was anonymous, and ran as follows :—

"My lord, out of the love I bear to some of your friends, I have a care of your preservation. Therefore I would advise you, as you tender your life, to devise some excuse to shift of your attendance at this Parliament ; for God and man hath concurred to punish the wickedness of this time. And think not slightly of this advertisement, but retire yourself into your country, where you may expect the event in safety, for though there be no appearance of any stir, yet I say they shall receive a terrible blow this Parliament, and yet they shall not see who hurts them. This counsel is not to be contemned, because it may do you good, and can do you no harm, for the danger is

¹ Examination of Tresham, Nov. 29, 1605, *G. P. B.* Note by T. Winter, Nov. 25, 1605, *G. P. B.* In the calendar, this note is said to refer to a message 'relative to the plot,' and it is appended to an examination of Winter of the same date, relating to the Gunpowder Plot. This must be a mistake, though both papers are endorsed in the same handwriting, '25 9^{br} 1605. The Examination of Winter.' The two papers themselves are not in the same handwriting, and the note evidently relates to the Spanish plot of 1602. It must refer, not to anything in the examination which is extant, but to a message in another which has been lost, and which was mentioned by Tresham in his examination of Nov. 29.

² *Jardine*, p. 80.

past as soon as you have burnt the letter : and I hope God will give you the grace to make good use of it, to whose holy protection I commend you." ¹

Monteagle at once set out for Whitehall, to communicate the letter to the Government. On his arrival he found Salisbury, just ready to sit down to supper in company with Nottingham, Suffolk, Worcester, and Northampton. Monteagle immediately drew him aside into another room, and put the letter into his hands. Although vague rumours had already reached Salisbury's ears that some danger was in agitation amongst the Catholics, he was at first inclined to think lightly of the matter ; ² but being well aware of their discontented state, he determined to make further inquiries. Accordingly, he called Suffolk from the next room and put the letter before him. As they re-perused the paper, it occurred to them that it might probably refer to some attempt at mischief by means of gunpowder. Upon this Suffolk, to whom, as Lord Chamberlain, all the buildings in and around the Parliament House were well known, remembered that the cellar under the house would be a suitable place for the execution of a design of this kind. As soon as Monteagle had left them, they imparted the discovery to the other three lords, who agreed that it would be proper to search the cellar before the beginning of the session, but advised that the search should be delayed as long as possible, in order that the conspirators might not be scared before their plot was fully ripe.

On the 31st, the King, who had been absent at Royston, returned to London, but it was not till Sunday, Oct. 31. The King returns from Royston, November 3, that the letter was shown to him. He at once, if we are to believe the narrative drawn up under Salisbury's inspection, came to the same conclusion as that which had been come to by his ministers. ³ By

¹ The original is in the *G. P. B.* There is a copy with all the peculiarities of spelling in *Jardine*, p. 82.

² Salisbury to Cornwallis, Nov. 9, 1605, *Winw.* ii. 171, compared with Munck's account, which agrees with it in all important particulars.

³ James, as is well known, took a pleasure in allowing it to be believed

his direction, Suffolk, in execution of his office as Lord Chamberlain, proceeded about three o'clock on the afternoon of the following day to go round the Parliament House and the adjoining buildings. In this search he was accompanied by Monteagle, who had joined him at his own request. Suffolk, like the rest of the Councillors, had no very strong belief in the reality of the plot, and was under great apprehensions lest he should become an object of general ridicule, if the gunpowder for which he was looking proved to be without any real existence. He therefore gave out that he was come to look for some stuff of the King's which was in Whynniard's keeping, and, finding that Whynniard had let his cellar to a stranger, he contented himself with looking into it without entering. Seeing the piles of coals and faggots, he asked to whom they belonged. Fawkes, who had opened the door to him, said that they belonged to Mr. Thomas Percy, one of His Majesty's Gentlemen Pensioners. Upon hearing Percy's name, Suffolk suspected that there was more truth in the story than he had previously supposed. Monteagle, probably wishing to shield Tresham, and hoping to put the Government on a wrong scent, suggested that Percy might have sent the letter. Upon receiving Suffolk's report of what he had seen, the King ordered that further search should be made, still under the pretence of looking for the stuff which was missing.

Nov. 3.
and orders
search to be
made.

Nov. 4.

There was no time to be lost, as the session was to commence on the following morning. About eleven at night, Sir Thomas Knyvett went down to the cellar. At the door he was met by Fawkes. He stopped him, and carefully removing the coals and wood, he came to the barrels of gunpowder. Fawkes saw at once that the game was up. He made no attempt to excuse himself, but confessed that he had made the discovery himself. It was not a very difficult one to make, and the courtiers probably were discreet enough to hold their tongues as to the fact that they had anticipated his conclusions. On the other hand, it was certainly absurd to found the inference on the words 'the danger is past as soon as you have burnt the letter.'

Discovery
of the gun-
powder by
Knyvett.

that he had intended to blow up the King and the two Houses on the following morning. Upon this he was bound hand and foot, and taken to Salisbury's lodgings. Such of the Council as could be reached at that late hour were summoned to the King's bedchamber. James's first thought on hearing of the discovery was to offer thanks to God for his deliverance. He then directed that the Lord Mayor should be ordered to set a watch for the prevention of any outbreak, and that the prisoner should be carefully guarded, in order to hinder any attempt at self-destruction.

A question has often been raised, whether the letter received by Monteagle was, in reality, the first intimation given to him.

That the writer of the letter was Tresham there can be no reasonable doubt.¹ The character of Tresham,

the suspicions of his confederates, his own account of his proceedings, all point to him as the betrayer of the secret. If any doubt still remained, there is the additional evidence in the confidence which was after his death expressed by his friends, that if he had survived the disease of which he died, he would have been safe from all fear of the consequences of the crime with which he was charged.² This confidence they could only have derived from himself, and it could only have been founded upon one ground.

To say the least of it, it is highly probable that Monteagle expected the letter on the evening of the 26th. He came out

unexpectedly to sup at Hoxton, where he had not been for upwards of a twelvemonth. If there had been no communication between him and the writer

of the letter, how could the bearer of it know that he would find one of Monteagle's footmen at so unlikely a spot?

¹ The whole argument is clearly given in *Jardine*, pp. 83-90. The evidence seems to warrant a stronger conclusion than that to which Mr. Jardine arrived. It is plain, however, that no doubt remained in his own mind.

² Waad to Salisbury, Dec. 23, 1605, *S. P. Dom.* xvii. 56. "His friends were marvellous confident if he had escaped this sickness, and have delivered out words in this place, that they feared not the course of justice."

Why, too, should Monteagle, instead of reading the letter himself, have given it to Ward to read aloud? Besides, if Tresham had calculated upon the letter alone to deter his brother-in-law from going down to the House, he would surely have written it in plainer terms.¹

The probability is that Tresham, finding that he could not persuade Catesby to give a sufficiently distinct warning to Monteagle, sought an interview with him himself. If the object which they both had before them was to frustrate the whole scheme in such a manner as to allow the conspirators themselves to escape, it is impossible to imagine a more satisfactory contrivance. The information given was just enough to set the Government upon preventive measures, but not enough to enable them to seize the culprits. By giving the letter to Ward, Monteagle conveyed the intelligence to a man who was likely to warn the conspirators of the discovery of their schemes; Ward being Winter's friend, would be certain to inform him of what had happened.² There could be little doubt that, upon receipt of this intelligence, they would take to flight.

¹ The greater part of this argument is abridged from Mr. Jardine's, - which there is scarcely anything to be added, pp. 90-93.

² The excited feelings under which the letter was written, and the desire to keep the middle ground between telling too little and telling too much, may account for the obscurity of its style. Besides holding that Monteagle was acquainted with Tresham's intention of writing the letter, Mr. Jardine adopts Greenway's opinion that the Government, or at least Salisbury, was acquainted with the manoeuvre. "Many considerations," he says, "tend to confirm the opinion expressed by Greenway in his narrative, that the particulars of the plot had been fully revealed to Lord Salisbury by Monteagle, who was supposed by Greenway and the conspirators to have received a direct communication from Tresham, and that the letter was a mere contrivance of the Government to conceal the means by which their information had really been obtained" (*Archæol.* xxix. 101).

In this theory I am unable to concur. The arguments by which it is supported seem to me to be weak, and there are difficulties in the way of its reception which appear to be insuperable.

Mr. Jardine's first argument is that Monteagle 'received 500*l.* per annum for his life and 200*l.* in fee farm rents,' which he considers to be extravagant over-payment, 'upon the supposition that the only service he



t of this scheme was successful. Either by arrangement, or consequence of his own friendship for Winter, Ward only waited till the next day to slip round to his lodgings and to tell him all that he knew. On the following morning Winter went out to White Webbs, a house in Enfield Chase, where Catesby was to be found, and entreated him to give up the enterprise, and to flee the country. Catesby received the news with astonishing

He was delivering to the Council an obscure anonymous letter, which he did not understand.' (*Ibid.* p. 100.)

ly, if the letter really was the means of discovering the plot, we can understand that the Government would not have scanned very closely the means by which they had been saved. Besides, there are additional reasons for valuing Monteagle's services highly. It soon became probable that several other Catholics had received similar warnings, less obscure, and of all these not one, except Monteagle, had mentioned the matter to the Council.

The argument used by Mr. Jardine, though he acknowledges that Monteagle was entitled to much weight, is, that Monteagle was one of the Commissioners for proroguing Parliament on October 3, though he had not previously been employed on similar occasions. He thinks it probable that the Council wished to secure the Commissioners from being taken down upon that occasion, by exposing a relative of some of the conspirators to danger.

In the first place the conspirators wanted to blow up the King and Parliament, and were not likely to stoop to such small game as half a penny for a Councillor; in the second place it is admitted that whatever Monteagle knew, he learned from Tresham. But Tresham himself knew of the plot till eleven days after the prorogation.

The only really important argument is drawn from the conduct of the Government towards Tresham. On November 7 questions were put to him in which the names of certain persons were proposed to him, and he was asked whether they shared in the plot. Among these Tresham's answers were: 'Yet, though a proclamation was issued on that very day the others, Tresham's name is not mentioned in it' (Jardine, *Narrative*, p. 120). On the 9th, Fawkes expressly mentioned him as an accomplice; yet, although he could have been arrested at any moment, he was not brought before the Council for examination till the 12th.

It certainly would give some weight to Mr. Jardine's theory, that the Government wanted to spare him, if there were not very strong reasons to make us seek for an explanation in another direction. In the first place, Tresham's behaviour on the 4th looks like that of a man who knew

coolness. He decided to wait till the 30th, when Fawkes, who was in the country, was expected to join them. They would then send him to examine the cellar, and they would be guided

nothing more of the plot than what was on the face of the letter. But if it is said that Salisbury alone was behind the scenes, it remains to be shown what conceivable motives he can have had for the part which he is supposed to have acted. Can it be supposed that Tresham brought him information which was so scanty that he was unable to seize the conspirators before their flight from London? This information, too, must have been of such a character that, although Salisbury was able to issue a proclamation for the apprehension of Percy on the 5th, he was unable to name any of the other conspirators till the 7th. If Tresham had really come with such a lame story as it is necessary to suppose—if he really saw Salisbury before the 26th of October—he would immediately have been sent to the Tower, and probably tortured till he consented to reveal the names of his accomplices. It is plain that, with the exception of the names of Percy and Fawkes, not a single name was known to the Government till the 7th. And yet, it is for this that Tresham was to be so highly favoured. It is obvious that whoever invented the scheme of the letter did so with a view to the escape of the conspirators. Salisbury was accused by his contemporaries of inventing the whole plot, with a view to gain favour by his supposed cleverness in detecting it. Absurd as this charge was, it is hardly more absurd than a theory which makes him to be the inventor of a scheme which was admirably adapted to enable the conspirators to escape, and by which he did not even succeed in discovering their names.

On the other hand, the suspicious circumstances are capable of an explanation. The information of the names must have reached the Government on the 7th, or late on the 6th. Perhaps Monteagle gave them up when the whole plot had broken down. Perhaps they were learned from some other source.

At first, the Government would be unwilling to arrest Tresham, as being Monteagle's brother-in-law. He had not taken flight, and they knew that they could have him when they wanted him. When the news came that so many of the plotters had been killed, Tresham's evidence became important, and he was accordingly sent for on the 12th. When he was dead, the Government may have thought it better to allow him to be attainted with the others. They must have suspected that Monteagle knew more of the plot than he had avowed, and they may have thought that to except his brother-in-law from the attainder would expose him to suspicion.

There is in *Add. MSS.* 19,402, fol. 143, a curious letter of Monteagle's, written to assure the King of his desire to become a Protestant. It is undated, but it would hardly have been without reference to the plot, if it had been written subsequently to 1605.

his report. Meanwhile, their suspicions naturally turned upon Tresham as the traitor. They expected him to pass through Barnet at two in the afternoon of the 29th, and it had been arranged that Winter should meet him there. Tresham, however, shrank from seeing any of his fellow-conspirators, and sought eagerly at any plan which would save him from their presence even for four-and-twenty hours. He accordingly sent Winter to inform him that he had postponed his journey, and that he should not pass through Barnet till the 30th. He said nothing of the hour at which he was to pass, and pushing on got through at eight in the morning, long before was expected. He had not secured immunity for any long time; the next day the unhappy man was doomed to see the detested face of Winter at his lodgings in London. He had come to request his presence at Barnet the following day. Tresham did not dare to refuse. At the appointed time he went to Barnet, where he found Catesby and Winter waiting for him. They at once charged him with having written the letter. They intended, as it was said, to poniard him at once if he gave room for the slightest suspicion.¹ He showed, however, so bold a face, and swore so positively that he knew nothing of the matter,

¹ Declaration of Tresham, Nov. 13, *S. P. Dom.* xvi. 33. Confession of Winter, Nov. 23, *G. P. B.* Jardine, *Narrative*, p. 96, from Green's MS.

A Calendar of the proceedings of these days may be useful :—

Sat. Oct. 26	Monteagle receives the letter.
Sun. „ 27	Ward informs Winter.
Mon. „ 28	Winter informs Catesby.
Tu. „ 29	
Wed. „ 30	Tresham returns. Fawkes examines the cellar.
Th. „ 31	Winter summons Tresham.
Fri. Nov. 1	Meeting of Tresham with Catesby and Winter.
Sat. „ 2	Winter meets Tresham at Lincoln's Inn.
Sun. „ 3	Meeting behind St. Clement's.
Mon. „ 4	Percy goes to Sion. Fawkes taken.
Tu. „ 5	Flight of the conspirators.
Wed. „ 6	Arrival at Huddington at 2 p.m.
Th. „ 7	Arrival at Holbeche at 10 p.m.
Fri. „ 8	Capture at Holbeche.

that they let him go. He again pressed them to let the matter drop, at least for the present, and to take refuge in Flanders.

He found that his entreaties were all in vain. In fact, Fawkes had been sent up to London to examine the cellar, and upon his report that he had found everything in the state in which he had left it, they came to the conclusion that the Government had attached no weight to Monteagle's representations, and that the conspirators would incur no real danger by persisting in their original plan.

On the next day, Winter was again despatched to Tresham for money, and was quieted with 100*l*. Tresham again pressed him to fly, and assured him that Salisbury was acquainted with all their secrets, and that he had laid everything before the King. Upon hearing this, Winter carried the news to Catesby, who was at last shaken by this new intelligence, and made up his mind to fly. Before taking this last step, however, he would confer with Percy, who was expected to arrive shortly from the North, where he had been engaged in collecting the Earl of Northumberland's rents.

Accordingly, on the evening of November 3, a meeting was held at the same house behind St. Clement's in which the original conspirators had taken their oath of secrecy eighteen months before. Those five men now met again in the same place. Christopher Wright was the only other person present. Upon hearing all that had passed, Percy insisted upon their continuing steadfast. The conspirators could not tear away from their breasts a hope which had, by long cherishing, become a part of themselves, and they allowed themselves to be persuaded by his earnest entreaties. Fawkes, with a rare self-devotion, which, even in such a cause as this, commands our admiration, went down to the cellar and occupied his post as usual. Rokewood and Keyes were also in London, but it does not appear whether they were told that the plot had been discovered.

On Monday afternoon Fawkes was still at his post. After Suffolk and Monteagle had left him, he may possibly have thought that the danger was over. About ten o'clock he received a visit from Keyes, who brought

The conspirators refuse to give up their plan.

Nov. 2.

Nov. 3.
Meeting
behind St.
Clement's.

Nov. 4.
Fawkes
remains at
his post.

a watch which Percy had bought for him, in order that he might know how the hours were passing during that anxious night.¹ Within an hour after the time when Keyes left him, he was a hopeless prisoner, and all his schemes were blown for ever to the winds.

Early on Tuesday morning the chief conspirators were flying at full gallop along the road to Lady Catesby's house at Ashby St. Legers. Utterly disheartened by the consciousness of failure, they yet instinctively followed out the plan which they had determined upon whilst success seemed still within their grasp. Catesby and John Wright were the first to get away. At five on the morning of the 5th, Christopher Wright burst into Winter's lodgings with the tidings that all was at an end. He then went out to reconnoitre, and returned with the assurance that the news was only too true. He again went out to find Percy, whose name was now known to the Government as that of the tenant of the cellar. These two galloped off together. Some hours later they were followed by Keyes and Rokewood, the latter of whom did not leave London before ten o'clock.²

Thomas Winter was the last to fly. He determined to see for himself how matters stood. He coolly made his way to the gates of the palace, which he found strictly guarded. He then attempted to reach the Parliament House, but was stopped by the guard in the middle of King Street. As he returned, he heard men in the crowd talking of the treason which had been discovered. Finding that all was known, he took horse and followed his companions in their flight. He seems to have been the only one of them who did not hurry himself; for though he could not have left London at a much later hour than Rokewood, he did not overtake the rest of the party till Wednesday evening, when he found them at Huddington.

About three miles beyond Highgate, Keyes was overtaken by Rokewood. Further on he contrived to slip away from

¹ Declaration of Fawkes, Nov. 16, 1605, *G. P. B.*

² Rokewood's Examination, Dec. 2, 1605, *G. P. B.* Examination of R. Rooks and Elizabeth More, Nov. 5, 1605, *S. P. Dem.* xvi. 11, 13.

him, and to conceal himself till he was captured, a few days later. The speed at which Rokewood was riding enabled him to come up with Percy and Christopher Wright, about forty miles down the road. A little beyond Brickhill they overtook John Wright and Catesby. In hot haste all five pressed on, as men press on who are flying for their lives. So excited were they, that Percy and John Wright tore off their cloaks and threw them into the hedge, in order that they might ride the faster.

Whilst these men were thus riding their desperate race, Digby was calmly carrying out his instructions, in complete ignorance of the failure of his associates. He came to the hunting at Dunchurch, accompanied by his uncle, Sir Robert Digby, of Coleshill. Grant brought with him three of his own brothers, a neighbour named Morgan, and a third brother of the Winters. Late in the evening Robert Winter rode in, followed by Robert Acton, a neighbour, whom he had persuaded to join him, and by Stephen and Humphrey Littleton, of Holbeche, in Staffordshire. These two had been induced to come in the hope that one of them might obtain a commission in the force which Catesby had been ostensibly levying for the Archduke. All the gentlemen who arrived were accompanied by their servants. The number of persons present was about eighty.¹ Winter left the Littletons at Dunchurch, and rode on to Ashby with some others of his companions. He expected that he would thus be the first to hear the good news from Catesby, who was sure to bring the tidings to his mother's house.²

About six in the evening Catesby arrived at Ashby. He called for Winter to come out to him, and there he poured out

¹ Examination of J. Fowes. Enclosed in a letter of the Sheriff and Justices of Warwickshire to those of Worcestershire, Nov. 6, *G. P. B.*

² Examination of Francis Grant. Enclosed in a letter of the Sheriff of Warwickshire to Salisbury, Nov. 7, *G. P. B.* Examination of R. Higgins, enclosed in a letter of the Justices of Warwickshire to Salisbury, Nov. 12, *G. P. B.* Examination of R. Jackson, enclosed in a letter of the Sheriff of Northamptonshire to Salisbury, Nov. 8, *S. P. Dom.* xvi. 28. R. Winter to the Lords Commissioners, Jan. 21, 1606, *G. P. B.*

to him the whole wretched story of failure and despair. Winter

Catesby's
arrival at
Ashby St.
Legers. saw at once that all hope was at an end, and advised instant surrender. Catesby, who had waded far deeper into treason than his adviser, refused to hear of it, and decided upon riding off to Dunchurch, for the purpose of consulting with his friends. Bates, who lived at a little distance from the house, was sent to Rugby to act as guide to some of Catesby's party, who had been left there.

On his arrival at Dunchurch, Catesby called Digby aside, and told him 'that now was the time to stir for the Catholic cause.' He had, indeed, failed to blow up the Parliament House, but both the King and Salisbury were dead, so that if they were only steadfast in asserting their claims, he 'doubted not but they might procure themselves good conditions.' He assured him that the Littletons would be able to assist them with a thousand men, and that Robert Winter's father-in-law, John Talbot of Grafton, would undoubtedly join them with a large force as soon as he heard that they were in arms.¹

These falsehoods imposed upon the weak mind of Digby. With most of the others they failed entirely. Sir Robert Digby rode off indignantly, and tendered his services to the Government. Humphrey Littleton refused to follow them, and several more, especially of the servants, took every opportunity which offered itself of slipping away unobserved. The remainder determined to make the best of their way to Huddington, in hopes of raising the Catholics of the neighbourhood. They would then pass on into Wales, where they expected to be joined by large numbers of insurgents.²

As they rode along they remembered that at Warwick there was a stable, in which they would be able to find fresh horses, which they might carry off in exchange for the tired ones on which some of the company were mounted.

Seizure of
horses at
Warwick. Robert Winter, who, as he had never joined in the actual operations, had not sufficiently realised his position as a conspirator, remonstrated against this breach of the law. "Some of us," was Catesby's answer, "may not look back." "But,"

¹ Examination of Sir E. Digby, Nov. 19, 1605, *S. P. Dom.* xvi. 94.

² Examination of Garnet, March 12, 1606, *S. P. Dom.* xix. 40.

said Winter, "others, I hope, may, and therefore, I pray you, let this alone." "What ! hast thou any hope, Robin ?" was the reply ; "I assure thee there is none that knoweth of this action but shall perish." Rokewood, too, felt indisposed to join in horse-stealing, especially as he was himself well-mounted, and rode on before them towards Grant's house at Norbrook. At three in the morning the rest of the party rejoined him there upon their fresh horses, but they only remained long enough to take away about fifty muskets and a fresh supply of powder and ball. They then rode on, tired as they were, to Huddington, where they arrived, weary and desponding, at two o'clock

Nov. 6. in the afternoon of the 6th ;¹ having despatched Bates, as they left Norbrook, to Coughton, with a letter for Father Garnet, in which their condition was described, and his advice was asked.

Bates found Garnet at Coughton, and gave him the letter. While he was reading it, Father Greenway came in, and, upon hearing the news, offered to accompany Bates to Huddington. Upon their arrival, Catesby, catching sight of the priest's face, exclaimed, that 'here at least was a gentleman who would live and die with them.'² After a conference with Catesby and Percy, Greenway rode away to Hindlip, a house about four miles from Huddington, belonging to a Catholic gentleman of the name of Abington, who had often offered a refuge to priests flying from persecution. It was in vain that he tried to gain him to the cause.³ Abington would willingly have sheltered him if he had been seeking a refuge for himself, but he immediately refused to take any part in treason.

The main hope of the conspirators was now to obtain the assistance of John Talbot, whose daughter was married to Robert Winter. He was one of the wealthiest of the Catholic laity,⁴ and was a man of considerable

¹ Examination of Gertrude Winter, Nov. 7, *G. P. B.*

² Examination of Bates, Jan. 13, 1606, *G. P. B.* Declaration of H. Morgan, Jan. 10, *G. P. B.*

³ Examination of Oldcorne, March 6, *G. P. B.*

⁴ He was one of those who paid the 20*l.* fine, as was Throckmorton, the owner of Coughton.

influence, as the representative of the younger branch of the family of the Earl of Shrewsbury.¹ Soon after their arrival at Huddington, Catesby and John Wright pressed Winter to write to his father-in-law. Winter, who knew him well, positively refused, telling them 'that they did not know him, for the world would not draw him from his allegiance.'² Even if his loyalty had not been steadfast, so wealthy a man was the last person likely to take part in a hopeless insurrection.

In the evening the fugitives were joined by Thomas Winter. On the following morning the whole company, now reduced by desertion to about thirty-six persons, were present at mass.³ After its conclusion, they all confessed to the priest, who was a Father Hammond. He was aware of their late proceedings, but does not seem to have considered that there was anything in them which needed absolution. At least Bates naïvely stated that when he confessed on this occasion it was only for his sins, and not for any other particular cause.

After they had thus cleared their consciences, they rode off to Stephen Littleton's house, at Holbeche, in Staffordshire, taking with them ten of Winter's servants. As they passed by Hewell Grange, the house of Lord Windsor,⁴ they broke into it by force, and took all the armour which they could find, supplying those of the company who needed it, and putting that for which they had no immediate use into a cart, which followed them.

It was all to no purpose. Not a soul was willing to share their fate. Whilst they were at Lord Windsor's a number of countrymen came to them and asked them what they meant to do. Catesby, in return, asked them to go with him. This was no answer, and they again asked what he intended to do. He

¹ His son succeeded to the earldom on the extinction of the elder branch in 1617.

² R. Winter to the Lords Commissioners, Jan. 21, 1606, *G. P. B.*

³ Examination of J. Flower and Stephen Kirk, enclosed by Sir E. Leigh to the Council, Nov. 9, *G. P. B.* Examination of Bates, Dec. 4, *G. P. B.*

⁴ Examination of W. Ellis, Nov. 21, *G. P. B.*

Nov. 7.
Flight to
Holbeche.

The fugi-
tives break
into Hewell
Grange.

saw that nothing could be done with them, and contented himself with saying that he was for 'God and the country.' 'And we,' said his questioner, 'are for God and the King, and the country,' and turned his back upon him.

About ten o'clock at night they arrived at Holbeche, which was situated just over the borders of Staffordshire, about two miles from Stourbridge. Many of their followers had, in spite of all their precautions, dropped away from their ranks. The Sheriff of Worcestershire was following them, with all the forces of the county; and the Sheriff of Staffordshire might soon be expected to bar their further progress. Flight had now become impossible, and hope of gathering fresh strength there was none. Early on the follow-

Nov. 8. ing morning they were deserted by Sir Everard Digby. Desperate as their case was, they determined

to make one more effort to get help from Talbot. Accordingly, Thomas Winter and Stephen Littleton were despatched to Grafton.¹ They found the old man at home, who at once drove them out of his presence. On their return, they were met by one of Winter's servants, who told them that a terrible accident had occurred, and that some of their number had been killed.² Upon this Littleton lost heart and rode away, inviting Winter to accompany him. Winter, like a brave man as he was, answered that he would first find Catesby's body and bury it before he thought of himself. On entering the house, he found that his friends were more frightened than hurt. The gunpowder which they had brought with them had been wetted in crossing the Stour, and they were engaged in drying some of it when a hot coal fell into it. Catesby and Rokewood were slightly injured by the explosion. Grant suffered more severely, his face and hands being much burnt. Their terror was extreme; they fancied they saw in the accident the finger of God's Providence, bringing vengeance upon them by the same means as that by

¹ Examination of J. Talbot, Dec. 4, *G. P. B.* Examination of T. Winter, Dec. 5, *G. P. B.*

² Confession of T. Winter, Nov. 23, *G. P. B.* Examination of Bates, Dec. 4, *G. P. B.* Greenway's MS. in Tierney's *Dodd.* iv. 53.

which they had planned to take away the lives of so many of their fellow-creatures. John Wright, who was himself unhurt, stepped up to Catesby and cried out, "Woe worth the time that we have seen this day!" and called for the rest of the powder, that they might blow themselves all up. Robert Winter left the house and fled; he was immediately followed by Bates.

As soon as Thomas Winter entered the house, he asked what they meant to do. They all answered with one voice, that they meant to die there. Winter assured them that he would share their fate. The remainder of the time which was left to them they spent in prayer before a picture of the Virgin, acknowledging now, at last, that they had been guilty of a great sin.

About eleven the Sheriff arrived. His men began firing into the house. Winter, who went out into the court to meet them, was wounded by a shot in the shoulder. John Wright was the first who was shot dead, and immediately afterwards, his brother fell by his side. Rokewood dropped, wounded in four or five places. Upon this, Catesby begged Winter to stand by him, that they might die together. "Sir," was the answer, "I have lost the use of my right arm, and I fear that will cause me to be taken."

As they stood near each other, Catesby and Percy fell, the same bullet passing through the bodies of both. Catesby was able to crawl on his knees to the picture of the Virgin, which he took in his arms, and died kissing and embracing it. Percy lived for two or three days longer. The assailants rushed in, and found the two wounded men, Winter and Rokewood. They carried them off as prisoners, with Grant and Morgan and the few servants who had remained faithful to their masters.¹ The other conspirators were picked up here and there in their various hiding-places, most of them in the course of the next few days.

It is impossible not to feel some satisfaction that so many of the original conspirators escaped the scaffold. Atrocious as the whole undertaking was, great as must have been the moral

¹ T. Lawley to Salisbury, Nov. 14, *Add. MSS.* 5495.



obliquity of their minds before they could have conceived such a project, there was at least nothing mean or selfish about them. They had boldly risked the lives for what they honestly believed to be the cause of God and of their country. Theirs was a crime which it would never have entered into the heart of any man to commit who was not raised above the low aims of the ordinary criminal. Yet, for all that, it was a crime born of ignorance. Catesby and his associates saw the hard treatment to which the Catholics were subjected. They saw in James and his Protestant Parliament the oppressors of their Church. They did not see the causes which made this oppression possible, causes which no destruction of human life could reach, and which were only too certain to be intensified by the wanton destruction which they had resolved to spread around.

If the criminality of their design was hidden from the eyes of the plotters, it was not from any ambitious thoughts of the consequences of success to themselves. When Watson and his associates formed their plans, visions floated before their eyes in which they saw themselves installed in the highest offices of the State. In the expressions of these conspirators not a single word can be traced from which it can be inferred that they cherished any such thoughts. As far as we can judge, they would have been ready, as soon as the wrongs of which they complained had been redressed, to sink back again into obscurity. One thing was wanting, that they should see their atrocious design in the light in which we see it. Even this was vouchsafed to some of them. In their time of trouble wisdom came to them. When they saw themselves alone in the world, when even their Catholic brethren spurned them from their houses, their thoughts turned to reconsider their actions, and to doubt whether they had been really, as they had imagined, fighting in the cause of God. In such a frame of mind, the accident with the gunpowder at Holbeche turned the scale, and placed before them their acts as they really were. With such thoughts on their minds, they passed away from the world which they had wronged to the presence of Him who had seen their guilt and their repentance alike.

CHAPTER VII.

THE OATH OF ALLEGIANCE.

On the morning of November 5, the news of the great deliverance ran like wildfire along the streets of London. The suspicions of the people were naturally directed against the Spaniards who happened to be in the City, and especially against the Spanish Ambassador. If measures had not been promptly taken, it might have gone ill with the object of the popular dislike.¹ In the evening all the bells were ringing, and the sky was reddened with the bonfires which were blazing in every street.²

On the following morning Fawkes was carried to the Tower, The King, hearing that he refused to implicate any of his accomplices, sent a string of questions to which he was required to answer, and ordered that, if he refused, he should be put to the torture,³ though recourse was not to be had to the rack unless he continued obstinate. These questions were put to him on the same afternoon, but nothing was obtained from him beyond a fictitious account of his own origin and life. He still insisted that his name was Johnson.

At first the Government had only received sufficient infor-

¹ Waad to Salisbury, Nov. 5, *G. P. B.*

² Chamberlain to Carleton, Nov. 7, *S. P. Dom.* xvi. 23.

³ Torture, though unknown to the common law, had, for upwards of a century, been frequently used to extract evidence. The infliction of it was considered to be part of the Royal prerogative, which enabled the King to override the common law. It could, therefore, be employed only by express command of the King, or of the Council acting in his name. (See Jardine *On the Use of Torture in the Criminal Law of England.*)

mation to enable them to issue a proclamation for the arrest of

Percy. On the 7th they obtained, from some un-

Nov. 7.

known source, intelligence which put them in possession of the names of the other conspirators. A proclamation was set forth, in which the names of all of them were mentioned, excepting Tresham, who was still in London, and on whom the Government could lay their hands whenever they pleased. On the same day Fawkes was again examined, probably after one of those gentler tortures which James had recommended. He gave some further particulars of the plot, and acknowledged that his name was Fawkes.¹

On the 8th, the day of the final catastrophe at Holbeche, much additional information was obtained from him. The

next day he was undoubtedly subjected to torture of no

Nov. 9.

common severity. The signature which he affixed to his examination is written in a trembling broken hand, as by a man who had lost all command over his limbs. The motive for the employment of torture was the hope that it might be possible to trace the connection which was suspected to exist between the conspirators and the priests. Fawkes admitted that the design had been communicated to Owen, who, as he knew, was safe in Flanders, beyond the power of the English Government. He acknowledged that the conspirators had, after taking the oath of secrecy, received the sacrament from the hands of Gerard ; but he expressly added that Gerard knew nothing of their intentions. With respect to Garnet, he only stated that they had used his house in Enfield Chase as a rendezvous.²

Nov. 10. On Sunday a solemn thanksgiving was offered
The Bishop in all the churches. The news of the occurrences
of Roches- at Holbeche, which had been received that very
ter's sermon.

Nov. 12.

morning, was given to the public by the Bishop of

¹ The King's words were, 'The gentler tortures are to be first used unto him, *et sic per gradus ad ima tenditur*, and so God speed your good work.' The King to the Lords Commissioners, Nov. 6, *G. P. B.* Sir E. Hoby wrote to Sir T. Edmondes, 'Since Johnson's being in the Tower, he be- ginneth to speak English, and yet he was never upon the rack, but only by the arms upright' (*Court and Times of James I.* i. 53). The letter is dated Nov. 19, but was evidently written piecemeal. This part was ap- parently written on the evening of the 7th, or the morning of the 8th.

² Examination of Fawkes, Nov. 9, *G. P. B.*

Rochester. On the 12th Thomas Winter arrived, and by degrees the particulars, which were still unknown, were wormed out of him and those of his fellow-conspirators who survived.

Tresham's
imprison-
ment and
death.

Among those who were thus examined was Tresham. He was not sent for till the 12th. It is possible that he was spared out of regard for Montague, until, by the death of so many witnesses, his testimony was rendered indispensable. If Salisbury still had any wish to treat him favourably, this wish was not shared by others at the Court. There were many who were already eager for the division of the spoil. Within a day or two of his committal, Sir Thomas Lake had obtained from the King a promise of one of his manors in the event of his conviction.¹

The great object of the Government now was to obtain evidence against the priests. Of their connection with the great conspiracy it soon became evident that Tresham knew nothing. But he might be able to tell something of the share which they had taken in the mission to Spain in 1602. He was examined on this point, and after flatly denying that he knew anything of the matter at all, was finally brought to confess, not only his own share in the transaction, but that both Garnet and Greenway had been made aware of what was being done.²

During these days he was seized by the disease under which he gradually sank. He had no reason to complain of his treatment. During his illness his wife was allowed to remain with him, and his servant Vavasour was also permitted to have access to him at all times.³

On December 5, Coke, in searching Tresham's chamber at the Temple, came upon a manuscript bearing the title of 'A Treatise on Equivocation,'⁴ in which the Jesuit doctrine concerning the lawfulness of giving false evidence under certain circumstances was advocated. Tresham,

¹ The King to Dorset, Nov. 18. *S. P. Dom.* xvi. 86.

² Examination of Tresham, Nov. 29, *G. P. B.*

³ Would this have been allowed if he had been, as Mr. Jardine supposes, the depositary of an important State secret?

⁴ This copy, made by Vavasour, is in the Bodleian Library, and has been published by Mr. Jardine.

who had already given proof how apt a scholar he had become in that evil school in which he had been brought up, was soon to give another proof of how completely he had mastered the

principles of this book. On the 9th he was questioned about the book, and made a statement professing an ignorance of all circumstances connected with it, which he could hardly have expected to be believed. As the days passed on, and he felt more and more that he was a dying man, he was haunted by remorse for his acknowledgment that Garnet had been acquainted with the mission to Spain. He determined to crown his life with a deliberate falsehood. One or two days before his death he dictated to Vavasour a declaration in which he not only affirmed that Garnet had taken no part in the negotiations, but, as if in mere recklessness of lying, he added that he had neither seen him nor heard from him for

sixteen years.¹ He died on the 22nd, leaving it a his last charge to his wife to forward this declaration to Salisbury. She did so, and the ridiculous untruth of the statement thus volunteered must have weighed much against any reasons for treating his memory with leniency. Henceforward his name appears on the same footing as that of the other conspirators. His body, according to the barbarous practice of those times, was beheaded, and his head was exposed to the public gaze at Northampton.²

On January 27 the surviving conspirators, Fawkes, the two Winters, Keyes, Bates, Rokewood, Grant, and Digby, were brought up for trial in Westminster Hall, in the presence of an immense concourse of spectators.³ Digby alone pleaded Guilty. The others pleaded Not Guilty, not with any hope of obtaining an acquittal, but in order to have an opportunity of contradicting some statements of minor importance contained in the indictment. The main facts were too plain to be denied, and Coke had no difficulty in obtaining a verdict against the prisoners. Digby having stated that promises had been broken with the Catholics,

¹ Coke to Salisbury, March 24, 1606, *G. P. B.*

² Philipps to Owen, Dec. 1605, *S. P. Dom.* xvii. 62.

³ *State Trials*, ii. 193.

Northampton rose and denied that the King had ever made them any promise at all before he came to England—an assertion which was certainly untrue. Salisbury drew a distinction between promises of toleration, or permission to enjoy the free exercise of their religion, and promises of exemption from fines, a distinction which has often been lost sight of. When, however, he proceeded to say that, in answer to the deputation which had waited upon the Council in July 1603, nothing more had been promised than that the arrears then accruing should be remitted, he said what he must have known to be untrue. The promise had been that, as long as the Catholics remained loyal, no fines should be levied; and this promise had been broken.

On the 31st, Digby, Robert Winter, Grant, and Bates were executed in St. Paul's Churchyard. On the following day Jan. 31.
Feb. 1.
Execution of eight of the conspirators.
Fawkes, Thomas Winter, Rokewood, and Keyes suffered death at Westminster. As far as we know, these men, unlike those who perished at Holbeche, died in the firm persuasion that they were suffering as martyrs in the cause of God. As they passed

along the streets, each of them, according to custom, dragged upon his separate hurdle, even these iron men must have longed for some sympathy as they looked up at the long line of hostile faces. Nor was this altogether withheld from them: as the miserable procession passed along the Strand, they came to the house in which Rokewood's wife was lodging. She had not shunned the spectacle, but had placed herself at an open window. Her husband, catching sight of her, begged her to pray for him. Without faltering, she answered: "I will! I will! and do you offer yourself with a good heart to God and your Creator. I yield you to Him with as full an assurance that you will be accepted of Him as when He gave you to me."¹

The whole story of the plot, as far as it relates to the lay conspirators, rests upon indisputable evidence. But as soon as we approach the question of the complicity of the priests, we find ourselves upon more uncertain ground. Of those who were implicated by the evidence of the

Evidence against the priests.

¹ Greenway's MS. quoted by Mr. Jardine, *Narrative*, p. 154.

the conspirators were beyond the reach of the law, and for the protection of the Archduke. Of the three who had been in England, Gerard and Greenway had been obliged to take their escape, and Garnet alone was brought before the law. He knew better than any man what Garnet's character was, and that what really was, was dead. So that the whole case against Garnet rested upon circumstantial evidence.

It was not till December 2 that any one of the priests¹ was actually implicated in the plot by any of the conspirators.² Thomas, on that day, acknowledged that he had been employed in the whole plot to Greenway in confession. On January 3 he gave a further clue by narrating the history of his secret flight from after the discovery of the plot.³ Upon this a warrant was issued for the arrest of Gerard, Greenway, and Garnet. The first two succeeded in escaping. Garnet was less fortunate. He had remained at Coughton till December 10, and then had moved to Hindlip, in consequence of the invitation of a priest named Oldcorne, who had himself received shelter in Abington's house, and acted as his chaplain. The house was amply provided with means for secreting fugitives. There was scarcely a room which did not contain some secret mode of egress to a hiding-place constructed in the thickness of the walls. Even the chimneys led to rooms, the doors of which were covered with a lining of bricks, which blackened as it was with smoke, was usually sufficient to prevent detection.⁴

On January 20 Sir Henry Bromley, a magistrate of the county, proceeded, in consequence of directions from Salisbury, to search the house.⁵ Several of the hiding-places were discovered, but nothing was found

¹ That Salisbury was not anxious to take any steps against the priests, unless upon clear evidence, appears from the fact that, though Lady Markham on Jan. 3 offered to act as a spy from Gerard, he took no notice of her offer till the 15th.—*N. P. Fern.* xviii. 4. 19.

² Examination of Bates, Dec. 4. 1605, *G. P. B.*

³ Examination of Bates, Jan. 13. 1606, *G. P. B.* (see p. 260).

⁴ There is a description and an engraving of the house in Nash's *Worshipful*, i. 584. Compare Jardine, p. 182.

⁵ *Harl. MSS.* 360, fol. 92. Bromley to Salisbury, Jan. 23, printed in Jardine, p. 185.

in them excepting what Bromley described as 'a number of Popish trash.' He was not satisfied with these results, and determined to keep watch, in hopes of making further discoveries. On the fourth day of his watch, he heard that two men had crept out from behind the wainscot in one of the rooms. They proved to be Garnet's servant, Owen, and Chambers, who acted in the same capacity to Oldcorne. They declared that they could hold out no longer, as they had had no more than a single apple to eat during the time of their concealment.

Two or three days after this, Bromley, who did not relax in his watchfulness, was encouraged by hearing that Humphrey

Garnet and
Oldcorne
surrender.

Littleton had bought his life by confessing his knowledge that Oldcorne was at that moment in hiding at Hindlip.¹ On the 30th his patience was rewarded.²

To the astonishment of the man who was set to keep watch, the two priests, who could bear the confinement no longer, suddenly stepped out from their hiding-place. The sentinel immediately ran away, expecting to be shot. The priests had been in no danger of starvation. There was a communication between their place of concealment and one of the rooms of the house by means of a quill, through which they had received constant supplies of broth. They had suffered principally from want of air. The closet in which they were had not been prepared for their reception, and it was half filled with books and furniture. Garnet afterwards stated his belief that, if these had been removed, he could have held out easily for three months. "As it was," he said, "we were well wearied, for we continually sat, save that sometimes we could half stretch ourselves, the place being not high enough ; and we had our legs so straitened that we could not, sitting, find place for them, so that we both were in continual pain of our legs ; and both our legs, especially mine, were much swollen. . . . When we came forth we appeared like two ghosts, yet I the stronger, though my weakness lasted longer."

The two priests were sent up to London. They were

¹ H. Littleton's relation, *Add. MSS.* 6178, fol. 693.

² Bromley to Salisbury, Jan. 30, *S. P. Dom.* xviii. 52. Garnet to Mrs. Vaux, printed in Jardine, App. i. He speaks of having been in the hole seven days and seven nights. If this is correct, he must have been removed to a safer place on the 23rd.

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might be able to overhear all that passed.¹ By these means the Government was put in possession of information which enabled it to frame its questions so as to obtain more satisfactory answers.

Garnet at first denied that he had ever conversed with Oldcome through the door at all. At last, after he had been subjected to much questioning, he discovered both that March. James's confession. he could not hope to escape, and that there was no one still in England who would be endangered by a full confession. Accordingly, on March 8, he told the whole story of his own connection with the plotters, and this story, as far at least as the facts of the case are concerned, may probably, when taken together with subsequent additions, be regarded as substantially true. He now admitted that he had been for some length of time in communication with the principal conspirators. He said that soon after James's accession Catesby told him that, 'there would be some stirring, seeing the King kept not promise ;'² that, about Midsummer 1604, he came to him again, and 'insinuated that he had something in hand,' but told him no particulars ; and that, soon afterwards, Greenway informed him that there was some scheme on foot, upon which he expressed his disapproval both to Catesby and to Greenway. About Easter, 1605, when Fawkes went to Flanders, he gave him a letter of introduction to Baldwin ; and on June 9, in the same year,³ Catesby asked him a question which was intended to draw out his opinion on the

¹ The reports of the overheard conversations are printed in Jardine, *ib.* ii. He remarks on them (p. 203) : "It is impossible to peruse the reports of these conferences without being struck with the remarkable fact, although speaking the whole secrets of his heart unreservedly to his friends, Garnet does not utter a word in denial of his knowledge of the plot, his acquiescence in it ; nor a word from which it can be implied that his conscience he knew that he was untruly accused in this respect. On the contrary, the whole scope and object of his conversation is the arrangement of the means by which he may baffle examination and elude detection is only care being to 'contrive safe answers,' and—to use his own language—'to wind himself out of this matter.'"

² Declaration of Garnet, March 13, *S. P. Dom.* xix. 41.

³ Examination of Garnet, March 12, *S. P. Dom.* xix. 40. He says

lawfulness of the action in which he was engaged, without letting him know what that action was. The question was, whether it was lawful to enter upon any undertaking for the good of the Catholic cause if it should be impossible to avoid the destruction of some innocent persons together with the guilty ; to which Garnet, understanding it to refer to military operations in Flanders against some fortified town in which innocent persons would share the fortunes of the garrison, answered in the affirmative. After Catesby was gone, Garnet began to doubt whether Catesby's question were as abstract as it appeared at first. He took an early opportunity of warning Catesby that to make the opinion which he had given about the innocents worth anything, it was absolutely necessary that the cause in which they were to be sacrificed should be in itself lawful. Catesby broke off the conversation, and turned away to join Monteagle and Tresham, who were in the room at the time. Garnet gathered from his manner that some plan of insurrection was in hand.¹

Garnet took alarm. He was under orders from Rome to discountenance any commotion amongst the Catholics ; and those orders were repeated in the most stringent form shortly after this meeting, in a letter from Aquaviva, the General of the Society.

When Garnet next saw Catesby, he showed him the Pope's letter. "Whatever I mean to do," said Catesby, "if the Pope knew, he would not hinder for the general good of our country." Garnet replied that those who did not keep quiet would fly in the teeth of the direct prohibition of the Pope. "I am not bound," replied Catesby, "to take knowledge by you of the Pope's will." Would he not, pleaded Garnet, acquaint the

that this took place on the Saturday after the Octave of Corpus Christi. In 1605 the Octave fell on June 7, and the Saturday after was June 9. This is the day mentioned in Garnet's indictment. I do not, therefore, understand Mr. Jardine's difficulty 'in ascertaining from the evidence the exact consultation to which this charge in the indictment was intended to apply' (p. 229).

¹ So I interpret the words : "'Oh, saith he, let me alone for that ; for do you not see how I seek to enter into familiarity with this lord ?'—which made me imagine that something he intended amongst the nobility." Garnet's declaration, March 8, *Hatfield MSS.* 110, fol. 30.

Pope with the project. No, said Catesby, 'he would not for all the world make his particular project known to him for fear of discovery.' Catesby, however, at last engaged to do nothing till the Pope had been informed in general terms of the state of matters in England, and it was then arranged that Sir Edward Baynham, who was starting for Flanders, should convey the information to the Nuncio at Brussels, if not to Rome itself. To Catesby's offer to acquaint him with the plot which he had in his mind, Garnet returned a distinct refusal, on the ground of the prohibition which had come from Rome.

That Garnet was fully aware that violence of some kind was contemplated it is impossible to doubt. It is equally clear that he had no objection on principle to such a movement. By his own account he argues against it on the ground of the orders of the Pope, but he expresses no opinion on the wickedness of righting wrongs with a strong hand, and he prefers to know nothing of particulars, though to know particulars would increase his facilities for arguing against the use of violence. On the other hand, he may have thought, from the message sent by Baynham, that the plot, whatever it was, was not to be executed for some time to come.

This last conversation with Catesby took place early in July. A few days later the Jesuit Greenway visited him and offered to acquaint him with Catesby's design. After some hesitation, Garnet consented to hear the story, provided that it was told him in confession. Upon this Greenway informed him of everything, walking about the room as he spoke, and afterwards kneeling down to place his statement under the formal safeguard of confession.¹

According to Garnet's statement, he was thrown into the greatest perplexity by this revelation. "Every day," he says, "I did offer up all my devotions and masses, that God of His

¹ Greenway said that 'being not master of other men's secrets, he would not tell it me but by way of confession, for to have my direction; but because it was too tedious to relate so long a discourse in confession kneeling, if I would take it as a confession walking, and after take his confession kneeling, then, or at any other time, he would tell me.'—Garnet's Declaration, March 8, *Hatfield MS.* 110, fol. 30.

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point which was selected as affording a proof of his complicity, was the conversation with Catesby on June 9. No evidence which would have satisfied a modern jury was produced ; but it would be unfair to censure the Government for disregarding the principles of evidence while as yet those principles were unrecognised. In fact, the scene at Guildhall was a political rather than a judicial spectacle. Neither those who were the principal actors, nor the multitude who thronged every approach to the hall, regarded it as the sole or even as the chief question, whether the old man who stood hopeless but undaunted at the bar, and who, even by his own confession, had been acquainted with the recent conspiracy, had looked upon it with favour or with abhorrence. It was to them rather an opportunity which had at last been gained, of striking a blow against that impalpable system which seemed to meet them at every turn, and which was the more terrible to the imagination because it contained elements with which the sword and the axe were found to be incapable of dealing. Any man who should have hinted that it was inexpedient that men should be put to death unless their guilt could be proved by the clearest evidence, would have been looked upon as a dreamer. The Pope was still too much dreaded to make it possible that fair play should be granted to the supporters of his influence. He was not yet what he became in the days of Bunyan, the old man sitting in his cave, hopelessly nursing his impotent wrath. His power was, to Burghley and Salisbury, a power which was only a little less, and which might any day become greater, than their own. They thought that if they could get the wolf by the ears, it was the wisest policy, as well as the strictest justice, to hold it fast.

In his speech for the prosecution,¹ Coke attempted to show that the conspiracies which had from time to time broken out in late years had their root in the practices of the Jesuit Society. He asserted that all the plots which had disturbed the repose of Elizabeth had originated with the priests. He told the story of the breves which had been

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¹ *State Trials*, ii. 229.

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had expressed his abhorrence, as he said that he had, of that which was undoubtedly the subject of the prayers which many of them offered on this occasion? Even if this had been the case, he would surely have left the party as soon as possible. Instead of that, he remained at Goathurst, until the family removed to Coughton, when he accompanied them to the very place which had been selected as most appropriate for carrying out the scheme of insurrection which was to follow upon the success of the plot. When there, he requested his little congregation, on All Saints' Day, to pray 'for some good success for the Catholic cause at the beginning of Parliament.'¹ It was not likely that the jury would think that, knowing what he knew, he merely asked that they should pray for the mitigation of the penal laws.

It is worthy of notice, that while the indictment charged Garnet with an act of treason which it was impossible to prove, it neglected to mention the conversation with Greenway, to which Coke referred in his speech, and about which no doubt whatever existed. In taking this course the members of Government were probably influenced by a not unnatural want of moral courage. They knew that the jury would not be particular in inquiring to the proof of the charge which they brought, and they probably considered the indictment to be a merely formal act. On the other hand, they were aware that the knowledge which Garnet derived from Greenway was obtained under the seal of confession, and they were certain that they would be assailed with the most envenomed acrimony by the whole Catholic world, if they executed a priest whose crime was that he had not revealed a secret entrusted to him in confession. They shrank from taking their stand upon the moral principle that

¹ He also sung the following verse of a hymn :

" Gentem auferte perfidam
Credentium de finibus ;
Ut Christo laudes debitas
Persolvamus alacritèr."

Mr. Jardine states that the hymn from which this verse is taken was authorised to be used on All Saints' Day. There can, however, be no doubt that on this occasion it was sung with peculiar fervour.

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¹ Both Andrewes and Abbot
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person who was deceived, but in the difference between the words uttered and the intended meaning of the speaker. If, therefore, the speaker could put any sense, however extravagant, upon the words of which he made use, he might lawfully deceive the hearer, without taking any account of the fact that he could be certain to attach some other and more probable meaning to the words. The following example given in the *Treatise*, was adopted by Garnet :¹ "A man cometh unto Coventry in time of a suspicion of plague. At the gates the officers meet him, and upon his oath examine him whether he come from London or no, where they think certainly the plague should be. This man, knowing for certain the plague not to be in London, or at least knowing that the air is not there infectious, and that he only rid through some secure place of London, not staying there, may safely swear that he came not from London, answering to their final intention in their demand, that is, whether he came so from London that he may endanger their lives of the plague, although their immediate intention were to know whether he came from London or no. This man the very law of nature would clear from perjury."

If all liars had been subject to punishment, it would have been hard with those members of the Government, whoever they were, who, in order to involve the Jesuits in the charge of complicity with the plot, deliberately suppressed the words in which both Winter and Fawkes declared that Gerard, when he administered the Sacrament to the original conspirators, was ignorant of the oath which they had previously taken. But the popular feeling was right in fixing upon equivocation as more immoralising than downright lying, because a person who in self-defence tells a falsehood, knowing it to be such, is far less likely to deceive habitually than one who deceives with words framed as to enable him to imagine that he is in reality saying no falsehood at all. That popular feeling found a voice

Treatise on Equivocation, p. 80. See the quotation from Casaubon's letter to Fronton Ducæus, in *Jardine*, p. 334. Garnet held that equivocation was only to be used 'where it becomes necessary to an individual for self-defence, or for avoiding any injustice or loss, without danger or mischief to any other person.'

in the words of the Porter in 'Macbeth': "'Faith, here's an equivocator, that could swear in both scales against either scale; who committed treason enough for God's sake, yet could not equivocate to heaven."'¹

At last, on May 3, when it was evident that no further confession could be extracted from him Garnet was executed, the King having given orders that he should not be cut down until he was dead, so that he might be spared the torture of the usual barbarities. On the scaffold he persisted in his denial that he had had any positive information of the plot except in confession, though he allowed, as he had acknowledged before, that he had had a general and confused knowledge from Catesby.² In all probability, this is the exact truth.

Soon after the execution, all Catholic Europe was listening with eager credulity to the story of Garnet's straw. It was said that one of the straws used upon the scaffold had a minute likeness of the martyr's head on one of the husks. The miracle was trumpeted abroad by those who should have known better, and found its way from common conversation into the pages of grave writers. An inquiry was instituted by the Government, and it was found that some who had seen the straw declared that there was nothing wonderful in the matter at all, and that the drawing could have been easily executed by any artist of moderate skill.

Oldcorne was taken to Worcester, where he was convicted

¹ Professor Hales, in an article which appeared in *Fraser's Magazine* for April 1878, in which he pointed out the fact that many of the places connected with the plot lay round Stratford-on-Avon, drew attention to the connection between this passage and Garnet's principles.

² The following version of this part of his speech puts this clearly:—
"De crimine quod obicitur tormentarii pulveris, . . . ita moriar in Domino, ac non sum conscius nisi a confessione. . . . Mihi quidem narrabat R. Catesbeius, universè tantum ac confusè, pro sublevandâ fide Catholicâ afflictissimâ jamque prostratâ, aliquid esse tentandum. Nihil vero certi exploratique narrabat." Account of Garnet's death, May 3, *Roman Transcripts*, R. O.

son and executed. Abington also was sentenced to death, but was finally pardoned. The priests and others implicated in the plot, who were now in prison, were beyond the reach of the Government, as the king steadily refused to give them up.

Only remained to deal with the lords who had given cause of offence by absenting themselves from the meeting of Parliament. Montague escaped from the Star Chamber with a fine of 4,000*l.*, Stourton with one of 1,000*l.*, whilst Mordaunt was free upon paying 200*l.* to the Lieutenant of the Tower.¹ Northumberland was a prisoner of greater importance. His connection² with Percy brought him under suspicion, and the fact that Percy had come down to Sion House to speak to him the day before the meeting of Parliament, was certain to strengthen whatever suspicions were entertained.

Earl was examined on the nature of his dealings with Percy, but nothing was elicited to his disadvantage. At least on March 3, Salisbury expressed his belief in his innocence, and he supposed that he had probably received some general warning from Percy.³ On June 27, he was brought before the Star Chamber, and was forced to listen to a long and passionate harangue from Coke, who, mentioning, as he had done in Raleigh's case, all manner of ways in which he was unable to prove that the prisoner had been connected, charged him with having committed contempts and misdemeanours against the King. His appointment of Percy to carry letters to James in Scotland was set against him, as if he had attempted to put himself at the head of the Catholic party. It was also objected that after discovery of the plot he had written letters to his tenants, urging them to keep his rents out of Percy's hands, but saying nothing about the apprehension of the traitor. Amidst trivialities appeared a charge of a graver nature. On

the original fines were, as usual, larger than those ultimately de-

¹ P. 235.

Salisbury to Edmonds, Dec. 2, 1605. Birch., *Negotiations*, 242.
to Brouncker, March 3, 1606, *S. P. Ireland*.

June 9, 1604, at the very time when Percy had just signed the lease for the house in Westminster, that traitor had been admitted as one of the gentlemen pensioners, whose office it was to be in daily attendance upon the King. Not only had Northumberland admitted him to this post, in virtue of his position as Captain of the Pensioners, but he had admitted him without requiring the Oath of Supremacy, and, if Coke is to be believed, had afterwards denied the fact that the oath had not been administered. Northumberland must have committed this dereliction of duty with his eyes open, as shortly after the King's accession he had received a letter from James, distinctly ordering that no one was to be admitted as a pensioner who refused to take the oath.¹ By this weakness—for undoubtedly it was no more than a weakness—he had disobeyed the orders given him, and had placed about the person of the King a man who was engaged in plotting his death. Indeed, it was by the opportunities offered to him by his position as a pensioner that Percy hoped to be able to carry out that part of the plot which related to the seizure of Prince Charles.²

The sentence was, that the Earl should forfeit all the offices which he held under the Crown, should be imprisoned during the King's pleasure, and should pay a fine of 30,000*l.*, a sum which was afterwards reduced to 11,000*l.*

It was supposed at the time,³ and it has since been generally believed, that this harsh sentence was dictated by political feeling, and by a desire to get rid of a spirited rival. It may have been so, and it would have been strange if, with a court composed as the Star Chamber was, such feelings had been altogether excluded. Yet it must be remembered that the admission of Percy without requiring the oath from him was no light fault, and that it was one which was likely to make its

¹ The King to Northumberland, May 18, 1603, *S. P. Dom.* i. 81.

² Proceedings against Northumberland, *Harl. MSS.* 589, fol. 111. Compare *Add. MSS.* 5494, fol. 61.

³ Boderie to Villeroi, ^{June 26}_{July 6,} 1606. *Ambassades de M. De la Boderie*, L. 180. This letter proves that the sentence was agreed upon at least the day before the trial.

full impression upon the timid mind of James. It is possible that the nature of this fault had not come to light till a short time before the trial, as Cecil, in a letter of March 3, does not refer at all to the omission of the oath.¹ Perhaps it may have been the full discovery of the particulars of this transaction which turned the scale against the Earl.

Undisturbed by the discovery of the danger which had been so happily averted, the Parliament for which such a sudden destruction had been prepared, had quietly met on Nov. 5, 1605.
Meeting of
Parliament. November 5. In the Upper House no business was done, but the Commons with extraordinary self-command, applied themselves to the regular routine of business. It is difficult to understand how these men, scarcely snatched from death, betook themselves, without apparent emotion, to such matters as the appointment of a committee to inquire into the regulations of the Spanish trade, and the discussion of the petition of a member who asked to be relieved from his Parliamentary duties because he was suffering from a fit of the gout.

On the 9th the King commanded an adjournment to Nov. 9.
Adjourn-
ment. January 21, in order that time might be given for further inquiry into the ramifications of the conspiracy.

¹ This letter to Brouncker, before quoted, reads like the production of a man who meant what he said. Besides, there was no conceivable reason for a hypocrite to mention the subject at all in writing to the President of the Council. Salisbury writes: "For the other great man, you know the King's noble disposition to be always such as, although he may not in such a case as this forget the providence and foresight necessary in cases of public, and therefore was constrained, upon many concurring circumstances, to restrain liberty where he had cause of jealousy, yet, considering the greatness of his house, and the improbability that he should be acquainted with such a barbarous plot, being a man of honour and valour, his Majesty is rather induced to believe that whatsoever any of the traitors have spoken of him, hath been rather their vaunts than upon any other good ground; so as I think his liberty will, the next term, be granted upon honourable and gracious terms, which, for my own part, though there hath never been any extraordinary dearness between us, I wish, because his state is very barren of men of great blood and great sufficiency to other."

On their reassembling, the attention of the Houses was necessarily directed to the danger from which they had escaped.

1606.
Jan. 21.
The 5th of
November
set apart as
a day of
thanks-
giving. A Bill was eagerly passed, by which November 5 was ordered to be kept as a day of thanksgiving for ever.¹ That Act continued in force for more than two centuries and a half, and was only repealed when the service which was originally the outpouring of thankful hearts had long become an empty form.

A Bill of Attainder² was also passed, in which the names of Owen, who was still bidding defiance to the law, and of Tresham, who had died in prison, were included with those of the conspirators who had been killed at Holbeche, or who had been executed in London. The immediate effect of such an Act was that the lands and goods of the whole number were at once forfeited to the Crown.

There had been, indeed, some who thought these proceedings insufficient. A few days before the prisoners were brought up for trial, a member of the House of Commons moved for a petition to the King, praying him to stay judgment until Parliament should have time to consider of some extraordinary mode of punishment, which might surpass in horror even the scenes which usually occurred at the execution of traitors.³ To the credit of the House, this proposal met with little favour, and was rejected without a division. A similar attempt in the House

Jan. 24.
Proposal to
inflict ex-
traordinary
punishment
on the
offenders. of Lords met with the same fate.⁴ It is pleasant to know that the times were already past in which men could be sentenced by Act of Parliament to be boiled alive, and that, in the seventeenth century, if London had some horrible sights still to see, it was, at least, not disgraced by scenes such as those which, a few years later, gathered the citizens of Paris round the scaffold of Ravallac.

New laws
against the
recusants. It can hardly surprise us that, in spite of this general feeling against the infliction of extraordinary punishments, Parliament had no scruple in increas-

¹ 3 Jac. I. cap. 1.

² C. J. Jan. 24, i. 259.

³ 3 Jac. I. cap. 2.

⁴ L. J. Jan. 30, ii. 365.

ing the severity of the recusancy laws.¹ For the first time, a sacramental test was to be introduced into the service of persecution. It was not to be enough that a recusant had been brought to conformity, and had begun once more to attend the parish church ; unless he would consent to receive the sacrament from the hands of the Protestant minister, he was to be called upon to pay a heavy fine. It is impossible to conceive a greater degradation of that rite which the whole Christian Church agrees in venerating.

In order to stimulate the activity of the churchwardens and the parish constables, it was enacted that a fine of twenty shillings should be laid upon them whenever they neglected to present persons who absented themselves from church ; and that, on the other hand, they should receive a reward of double the amount upon every conviction obtained through their means.

Up to this time, the very rich had escaped the extreme penalties of recusancy, as, when once they had paid the monthly fine, the law had no further claim upon them, though the amount of their fine might be of far less value than the two-thirds of the profits of their estate which would have been taken from them if they had been poorer men. The King was now empowered to refuse the fine and to seize the land at once. In order that the poorer Catholics might feel the sting of the law, a penalty of 10*l.* was to be laid every month upon all persons keeping servants who absented themselves from church. By this means, it was thought that the numerous servants in the houses of the Catholic gentry would be driven into conformity or deprived of their employment.

This was not all : it was ordered that no recusant should appear at Court, or even remain within ten miles of London, unless he were actually engaged in some recognised trade or employment. A statute of the late reign was also confirmed, which prohibited recusants from leaving their houses for any distance above five miles.² It may be allowed that recent experience justified the exclusion of the Catholics from all public offices in the State ; but it was hard to forbid them, as the new

¹ 3 Jac. I cap. 4 and 5.

² 35 Eliz. cap. 2.

statute did, from practising at the bar, from acting as or as physicians, or from executing trusts committed to a relative as executors to his will, or as guardians to his children. Further penalties awaited them if they were married, their children to be baptized, with any other rites than the Church of England. All books inculcating the principles of their religion were to be destroyed, and permission was given to the justices of the peace to visit their houses at any time in order to deprive them of all arms beyond the little store which might be considered necessary for the defence of life and property.

These harsh measures were accompanied by the introduction of a new oath of allegiance. This oath was framed with the purpose of making a distinction between the The new oath. who still upheld the Pope's deposing power and those who were willing to denounce that tenet. Objecting to all political oaths are, and unjust as are the penalties which are inflicted on those who refuse to take them, the introduction of a declaration of loyalty might, at this time, have been a step in the right direction. If it was thought that Catholics should be punished at all, it was better that they should suffer for refusing to acknowledge that the Pope's reign possessed an independent authority than that they should suffer for refusing to go to church. It was a great degree creditable to James and his ministers that, at this time, they were able to remember the possibility of making a distinction between the loyal and the disloyal among Catholics; but that which might have been an instrument of good, became in their hands an instrument of persecution. It was enacted that the oath might be tendered to all persons not being noblemen or noble women, and that those who refused to take it should incur the harsh penalties of a recusancy, whilst those who took it still remained subject to the same burdens of recusancy. The oath which might have been employed to lighten the severity of the laws which pressed so heavily upon the loyal Catholics, was only employed to increase the burdens upon those who refused to declare their disavowal of the tenet which was inculcated by the most venerated teachers.

Church, and which might be held innocuously by thousands who would never dream of putting it in practice.

Parliament had thus acted, as it was only too likely to act, under the influence of panic. It had replied to the miserable crime of a few fanatics by the enactment of an unjust and barbarous statute. Convocation determined to seize the opportunity of enunciating those principles of government which were considered by its members to be the true antidote against such attempts. Under Bancroft's guidance, a controversial work¹ was produced, to which, as well as to the canons which were interspersed amongst its pages, that body gave its unanimous consent. These canons, as well as the arguments by which they were accompanied, have been, in later times, justly condemned as advocating, at least indirectly, an arbitrary form of government. It should, however, in justice to the men by whom they were drawn up, be remembered that, if the solution which they proposed for the difficulties of the time was not a happy one, it was at least put forward with the intention of meeting actual and recognised evils. Their argument indeed struck at Papist and Presbyterian alike, but it was evident that it was intended as a manifesto against the Church of Rome. That Church had based its assaults on the national sovereignties of Europe upon two distinct theories: at times the right of the Pope to depose kings had been placed in the foreground; at other times resistance was encouraged against constituted authorities under the guise of the democratic doctrine of popular sovereignty. In the name of the one theory, England had been exposed to invasion, and Elizabeth had been marked out for the knife of the assassin; in the name of the other theory, the fair plains of France had been deluged with blood, and her ancient monarchy had been shattered to the base. All true-hearted Englishmen were of one mind in condemning the falsehood of the principles which had produced such results as these. Government, they believed, was of Divine institution, and was of far too high a nature to be allowed to depend upon the arbitrary will of the

¹ Published in 1690, under the title of *Bishop Overall's Convocation Book*.

Pope, or of any body of clergy whatever ; still less should it depend upon the equally arbitrary will of the people ; it ought not to be based upon will at all ; it was only upon right that it could rest securely.

Such a theory had evidently a better side than those are accustomed to perceive who malign the Church of England as a mere handmaid of tyranny. It was a recognition, in the only way which, in that age, was possible, of the truth that society is a whole and that religious teachers cannot rightfully claim a place apart from it, as if they were removed from the errors and failings of human nature. Where those who held this theory went astray was in the mistake which they made as to the permanence of the special organization of the society in which they lived. They fancied that the Elizabethan monarchy ought to be perpetual. It was not unnatural that they should fancy that James was even greater than Elizabeth had been ; that he was indeed the rising sun, come to take the place of a 'bright, occidental star.' Not a suspicion ever crossed their minds that their ecclesiastical cause was not the cause of God, and they knew that for the support of that cause they could depend upon the King alone. It was one of the first articles of their creed, that the people could be moulded into piety by their system, and it was plain that, without the King's help, their system would crumble into dust. Was it wonderful, then, that they thought less of the law and more of the Sovereign than their lay fellow-countrymen ? Was it strange that they read history and Scripture with jaundiced eyes, and that they saw nothing there but the doctrine that, in each nation, the power of the Sovereign who for the time being occupied the throne, was held by the special appointment of God, and that this power was of such a nature that under no imaginable circumstances was it lawful to resist it ? The fact was, that the rule of James appeared to them as the rule of right over lawlessness, and that they gladly elevated into a principle that which, in their eyes, was true in the individual case.

But whatever may have been the circumstances under which the doctrine of non-resistance originated, it is certain

It was false in itself, and that it hung like a blight for many years over the energies of England. If it had ever obtained general recognition, it would have cut at the root of all that has made the nation to be what it is ; it would have eaten out that sense of right, that respect for the law, which is at the bottom of all the greatness of the country.

Strange as it may seem, the first blow directed against this privately-constructed theory came from the King himself. A doctrine which based his claim to the obedience of his subjects merely upon the fact of his being in possession of the crown, was not likely to find much favour in his eyes. According to this reasoning, as he justly observed, if the King of Spain should ever conquer England, his own subjects would be precluded from attempting to shake the yoke of the invader. Nor was it only to that part of the laws which struck at his own hereditary title that James objected : he told the astonished clergy plainly that, whatever they might think, it was not true that tyranny could ever be of divine appointment. He was himself desirous to maintain the independence of the Dutch, and he did not believe that in so doing he was assisting them to throw off an authority ordained of God. He accordingly refused to give his consent to this unproduction of the Convocation.

If the theories of the Bishops gave offence to the King, they were far more likely to provoke opposition on the part of those who were looking to the law of England as the one great safeguard against arbitrary power of every description. The Canons of 1604 had given umbrage to the Commons, especially as, in ratifying them, James had commanded them to 'be diligently observed, executed, and equally kept by all our loving subjects of this our kingdom.'¹ The Commons, of course, resented this claim of the clergy to legislate for the people of England, and especially their attempt to create punishable offences, a right which they held to be inherent in

¹ The King to Abbot. Wilkins's *Conc.* iv. 405.

² Cardwell's *Synodalia*, 328.

Parliament alone. A Bill was accordingly brought in, in the course of the following session, for the purpose of restraining the execution of all canons which had not been confirmed by Parliament. The Bishops, however, had sufficient influence to procure its rejection by the House of Lords.

Whatever the Catholics may have thought of this production of the Convocation, the oath of allegiance was to them a far more serious matter. It had been, indeed, framed with the intention of making it acceptable to all loyal persons. The Pope's claim to excommunicate Sovereigns was left unquestioned. The oath was solely directed against his supposed right of pronouncing their deposition, and of authorising their subjects to take up arms against them. Those who took it were to declare that no such right existed, to promise that they would take no part in any traitorous conspiracies, and to abjure the doctrine that excommunicated princes might be deposed or murdered by their subjects.

To the oath itself it is impossible to find any reasonable objection. If there had ever been a time when the infant nations required the voice of the Pope to summon them to resist tyranny, that time had long passed by. The deposing power of the Popes. The deposing power in the hands of the Popes of the sixteenth century had been an unmixed evil. The oath too may fairly be regarded as a serious attempt to draw a line of separation between the loyal and the disloyal Catholics, and if it had been accompanied with a relaxation of the penal laws in favour of those who were willing to take it, it would have been no inconsiderable step in advance. Its framers, however, forgot that there would be large numbers, even of the loyal Catholics, who would refuse to take the oath. Men who would have been satisfied to allow the deposing power to be buried in the folios of theologians, and who would never have thought of allowing it to have any practical influence upon their actions, were put upon their mettle as soon as they were required to renounce a theory which they had been taught from their childhood to believe in almost as one of the articles of their faith. Nor would their tenacity be without a certain moral dignity. Unfounded and pernicious as the Papal theory was, it certainly gains by comparison with that

mere adoration of existing power which had just been put forward by Convocation as the doctrine of the Church of England.

In the midst of its discussions on weightier matters, Parliament had found some time to devote to the consideration of the King's necessities. Ever since James's accession, the state of the Exchequer had been such as to cause no little trouble to those who were responsible for the administration of the finances. The long war had considerably affected, at least for a time, the resources of the Crown. Parsimonious as she was, Elizabeth had been compelled, during the last five years of her reign, to sell land to the value of 372,000*l.*,¹ and had besides contracted a debt of 400,000*l.* There was indeed, when James came to the throne, a portion still unpaid of the subsidies which had been voted in the time of his predecessor, which was estimated as being about equal in amount to the debt, yet if this money were applied to the extinction of the debt it was difficult to see how the expenses of the Government were to be met. If the King had modelled his expenditure upon that of Elizabeth, he could hardly succeed in reducing it much below 330,000*l.*, and during the past years of his reign his income from other than Parliamentary sources fell short of this by more than 30,000*l.*² It is probable, indeed, that some of the revenue which should have supplied the wants of James had been anticipated by his predecessor. Either from this cause, or from some other reason connected with the returning prosperity consequent upon the cessation of the war, the receipts of 1604 were much larger than those of the preceding year. But whatever hope might be entertained on this account, was counterbalanced by the confusion caused by the extraordinary expenses which were likely for some time to press upon the Exchequer. The funeral of

¹ Comparative review of the Receipts and Expenditure, July 24, 1608, *S. P. Dom.* xxxv. 29.

² Compare the calculations in *Lansd. MSS.* 164, fols. 435, 436, 505, 507, with those in *Parliamentary Debates in 1610*, Camd. Soc., Introd. x. The latter do not include the Court of Wards and the Duchy of Lancaster, and they commence the year at Easter instead of at Michaelmas. The amount of the debt at James's accession, which is variously stated in different reports of speeches, is fixed by the official account in the *S. P. Dom.* xix. 45.

the late Queen, the King's entry and coronation, the entertainment of the Spanish ambassadors, and other necessary expenses, would entail a charge of at least 100,000*l.*, a sum which bore about the same relation to the income of 1603 as a sudden demand for 26,000,000*l.* would bear to the revenue of the present day.

The financial position of James, therefore, was beset with difficulties. But it was not hopeless. If he had consented to regulate his expenditure, not indeed by the scale of the late parsimonious reign, but in such a way as a man of ordinary business habits would have been certain to approve of, he might, in the course of a few years, have found himself independent of Parliament, excepting in times of extraordinary emergency. There were many ways in which the revenue was capable of improvement, and it would not be many years before a balance might once more be struck between the receipts and the outgoings of the Exchequer ; but there was little hope that, even if James had been less extravagant than he was, the needful economy would be practised. Elizabeth had been her own minister of finance, and had kept in check the natural tendency to extravagance which exists wherever there is no control over the heads of the various departments of the State and of the Household. With her death this salutary control was at an end, and no official body similar to the present Board of Treasury was at hand to step into the vacant place. James, indeed, from time to time, was ready enough to express his astonishment at what was going on. He never failed to promise retrenchment whenever his attention was called to the state of his finances, and to declare that he had at last made up his mind to change his habits ; but no sooner had some new fancy struck him, or some courtier approached him with a tale of distress, than he was sure to fling his prudence to the winds. The unlucky Treasurer was only called upon, when it was too late to remonstrate, to find the money as he could.

Every year the expenditure was growing. In the twelve months which came to an end at Michaelmas 1605, it had reached what in those days was considered to be,¹ for a year of peace, the enormous sum of

Growth of
the expendi-
ture and
of the debt.

¹ That is to say, the income from unparliamentary sources. The

5,000*l*.¹ To meet this every nerve had been strained in. The revenue had been improved, and the subsidies voted in the time of Elizabeth had been diverted from the payment of the debt, in order to meet the current expenditure. Large debts had been incurred in addition to the debt which was already in existence. Money had been obtained by forced loan bearing no interest, which had been raised by the Great Seal immediately after the close of the session of 1604, and in addition to this easy mode of putting off the difficulty, there had been had to the method of borrowing considerable sums at what was then the ordinary rate of 10 per cent. After all this, it was still found to be necessary to leave many debts unpaid. At the beginning of 1606, the whole debt amounted to 735,000*l*.² and it was calculated that the annual deficit would reach 51,000*l*., without allowing for those extraordinary expenses to which, under James's management, it was impossible to place any limit, but which seldom fell short of 5,000*l*. a year.

The King's extravagance had shown itself in various ways. About 40,000*l*. were annually given away, either in presents or annuities paid to men who had done little or nothing to merit it the favour which they had received.³ Those into whose

hands the revenues were uncertain, and should have been applied to the redemption of the debt.

When Parliament met in 1606		£
The ordinary issues were	366,790	
The ordinary receipts	314,959	
Excess of issues	£51,831	

P. Dom. xix. 46.) Besides this, it was found that the actual receipts had fallen short of the estimates by 6,000*l*. The extraordinary expenditure appears from the *Pells Declarations* to have been about 100,000*l*., making a total expenditure of about 466,000*l*.

By Dorset's declaration		£
The King's debt at his accession was	400,000	
His extraordinary expenses during three years	104,000	
The new debt	231,280	

P. Dom. xix. 45.) £735,280

Parliamentary debates in 1610. *Camd. Soc. Introd.* p. xiii.

pockets the golden stream was flowing were not the statesmen who were consulted by the King on every question of importance ; they were the men who, whether of Scottish or of English birth, had raised themselves by their ability to tickle their patron's ear with idle jests, and to minister to his amusements in his leisure hours. Under such conditions, the expenses of the Court swelled every year. The pension list grew longer, the jewels more costly, and the robes more gorgeous than those with which Elizabeth had been content. In political life, indeed, the Ramsays and the Herberts were as yet kept in the background. As long as Salisbury lived, such as they were not allowed to meddle with appointments to office, or to sway the destinies of the State ; but their very presence at Court must have been highly obnoxious to the grave and sober men who formed so large a part of the House of Commons.

Yet, unless the Commons could be persuaded to come forward with liberal supplies, James would not only be compelled to pause in his career of extravagance, but would be unable to meet the most justifiable demands on the Exchequer. Salisbury, who knew that it would be necessary to make application to Parliament, had been urgent with James to retrench. Within three weeks of the meeting of Parliament, James had done all that words could do to show how completely he recognised the danger of his situation. "I cannot," he wrote to Salisbury on October 18, "but be sensible of that needless and unreasonable profusion of expenses, whereof you wrote me in your last. My only hope that upholds me is my good servants, that will sweat and labour for my relief. Otherwise I could rather have wished, with Job, never to have been, than that the glorious sunshine of my first entry here should be so soon overcast with the dark clouds of irreparable misery. I have promised, and I will perform it, that there shall be no default in me ; my only comfort will be to know it is mendable. For my apprehension of this state—however I disguise it outwardly—hath done me more harm already than ye would be glad of."¹

On February 10, whilst the feelings of the Commons were

Oct. 18.
1605.
James
wishes to be
economical.

¹ *Hatfield MSS.* 134, fol. 72.

still under the influence of their great deliverance, the subject of a supply was brought forward. The greater number of speakers proposed a grant of two subsidies and four fifteenths, which would amount to about 250,000^l.¹ The whole matter was, however, referred to a Committee, which was to meet on the following afternoon.

Of this Committee Bacon was a member. He was now looking forward again to promotion. In October, 1604, the Solicitor-Generalship had been vacant, but he had once more been passed over in favour of Sir John Doderidge. He can hardly have failed to gain

the King's favour, a few weeks later, by the zeal which he showed in the consultations of the Commissioners on the Union; and it had become evident, by the course taken by the Commons in the last session, that it was more than ever necessary to secure the services of a man of ability and talent, who might take the lead in the debates. Such a part was exactly to his mind. In October 1605, he had completed his great work on 'The Advancement of Learning,' and he was now eager to devote himself to politics. Anxious as he was for reform, he wished to see it proceed from the Crown, and he had not given up hope that the mistakes of James were a

¹ A subsidy was an income-tax of 4s. in the pound upon the annual value of land worth 20s. a-year, and a property-tax of 2s. 8d. in the pound upon the actual value of all personal property worth 3l. and upwards. Personal property was, therefore, much more heavily burdened than real property. The tenths and fifteenths were levied upon the counties and boroughs at a fixed rate, settled by a valuation made in the reign of Edward III. Each county or borough was responsible for a certain sum, which was levied by persons appointed by its representatives in the House of Commons. The subsidies were levied by Commissioners appointed by the Chancellor from amongst the inhabitants of the county or borough. Apparently, from the laxity of these Commissioners, the receipts had been steadily decreasing. Thus—

One subsidy of the laity, with two 10ths and	£
15ths, produced in 13 Eliz.	175,690
Ditto in 35 Eliz.	152,290
Ditto in 43 Eliz.	134,470
Ditto in 3 Jac.	123,897

Oct. 28, 1608.—*S. P. Dom.* xxxvii. 38.

mere passing cloud, which would be removed as soon as he was rendered accessible to good advice. To serve the King in any capacity which would enable him to share in the councils of the State had long been the object of his ambition. In this session, however, there were few difficulties of a nature to call for the exercise of superior powers. The effect of the discovery of the Gunpowder plot had been to produce a strong feeling in

Feb. 10.
The King
thanks the
House.

the King's favour.¹ On the first morning after the appointment of the Committee, the King thanked the House for its offer to supply his wants, and signified his readiness to allow the question of purveyance to be again taken into consideration. A few days afterwards,

Feb. 14.
The King's
necessities
explained.

however, at a conference held on this subject, the Lord Treasurer took the opportunity of expatiating on the King's necessities. A month passed before

Subsidies
granted.

the question was taken up by the House itself, and then, on March 14, a proposition was made to increase the supply to which they had already agreed.² There was some opposition, and the debate was adjourned till the 18th. When the House met on that day, a message was brought from the King, begging them to come to a speedy decision, one way or the other, upon the proposed supply, as he was unwilling to see his necessities exposed to any further discussion. Upon this, after some debate, an additional subsidy with its accompanying two fifteenths was voted, and a Committee was appointed to draw up the Bill. On the 25th, Bacon reported the recommendations of the Committee. A debate ensued upon the length of time which was to be allowed

March 25.

for the payment of the six portions into which the supply granted was to be divided; and it was not without difficulty that Bacon carried his proposal that the whole grant should be levied before May, 1610.

¹ C. J. i. 266.

² C. J. i. 271. There is no mention of the report of the Committee, but it must be supposed that they recommended a Bill for two subsidies and four fifteenths, as Salisbury speaks, on March 9, of the grant as already made, though nothing had been done formally (Salisbury to Mar, March, 1606, *S. P. Dom.* ix. 27).

His arguments were rendered more palatable by a circumstance which had occurred a few days previously. On the 22nd March 22. a rumour reached London that the King had been murdered, and when the report proved false, the members must have felt that, much as they might dislike many of James's actions, they could hardly afford to lose him. Prince Henry was still a child, and the prospect of a minority such a time was not to be regarded with complacency.

The readiness with which this supply was granted was the more remarkable because the efforts of the Commons to pass a Bill against the abuses of purveyance had been wrecked on the resistance of the Lords. Nor were they satisfied by a proclamation in which the King put an end to most of those abuses, as he left untouched the whim of his officers to settle at their pleasure the prices which they would give. It appears, however, that the officers took care not to revert to their old malpractices, and some years later the counties agreed to a composition by which a sum of money was to be paid annually in lieu of the burden of purveyance.

Not only did the Commons pass their subsidy bill in spite of this treatment, but they did not insist upon obtaining an immediate answer to the petition of grievances which they had drawn up. They contented themselves with leaving it for the consideration of the Government during the recess. On May 27 Parliament was prorogued, and the King and the Lower House parted in far better humour than one another than at the close of the preceding session.

A few days after the prorogation, the death of Sir Francis Wadley, the Chief Justice of the Common Pleas, threw into the hands of the Crown one of the most important of the legal appointments in its gift. The place was given to Coke, whose services during the trials of the gunpowder conspirators thus obtained their reward. Coke's removal opened a prospect of promotion to Bacon, as the two men were on such bad terms with one another that they could not be expected to work together in offices so closely connected as were those of the two chief legal advisers of the Crown. At the time when Bacon was engaged in

March 22.
Rumours of
the King's
death.

Attempts to
restrain the
uses of
purveyance.

Petition
of griev-
ances.

June 29.
Coke's pro-
motion.

Coke's hopes
of becoming
a councillor.
General.

Whenever the Attorney
Doderidge, the Solicitor
King's Serjeant. Bacon
the Attorney-General's
would be at the disposal

July 4. the vacancy on
Hobart on Sir Henry
becomes right man, who
Attorney-General. Doderidge, how
Bacon is not another year, an
promoted. ment which he had been
his failure are left to conjecture

From cares of state
pleasures. Scarcely was time

July 17. anxiously for the
Visit of the IV. of Denmark
King of another's comparison
Denmark. together. Christian was an
drinking beyond all bounds
caught the infection of evil.
their Majesties at Theobalds
taken part in a masque, reeling
toxication, and the King of
when he was no longer able to
of displeasure that these things
If he...

CHAPTER VIII.

THE POST-NATI.

IN the busy session which had come to an end in May 1606, no time had been found for a discussion on that union with Scotland which James had so much at heart. By common consent the whole subject was postponed to the ensuing winter. Whatever difficulties might stand in the King's way in England, it hardly seemed likely that he would meet with serious opposition in Scotland. Already, whilst the English Parliament was still in session, events had occurred in the northern kingdom which showed how much James could there venture on with impunity.

1606.
The discussion on the Union postponed.

It is usually taken for granted that the accession of James to the throne of England enabled him to interfere with greater weight in Scottish affairs, and that it contributed in no small degree to the subsequent overthrow of the Presbyterian system. There can be little doubt that the effects of the change have been considerably exaggerated. It is true, indeed, that James was now safe from personal attack, but for any practical purpose his strength was hardly greater than it was before. He found no standing army in England which might serve to overawe his Scottish subjects, and, even if he had attempted to raise English forces to suppress any movement in the North, he would certainly have roused a spirit of resistance in all classes. Nor was the money which he squandered upon some of his countrymen likely to conciliate opposition. The men whose names figure in the accounts of the English Exchequer as receivers of pensions or of gifts, the

1603.
Effects of the King's accession to the English throne.

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His success
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creatures the Bishops.

If, however, the chang
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from a new point of view,
solution in dealing with
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For a time, however, James seems to have laid aside his intention of introducing episcopacy into Scotland. His first interference, on a large scale, with the Church after he crossed the Borders, was his postponement for a twelvemonth of the General Assembly which had been appointed to meet at Aberdeen in July 1604. It was no mere prorogation that he had in mind. In the following March he wrote that, unless the English Privy Council advised him to the contrary, he would never call another General Assembly as long as he lived.¹ If the Scottish Church would not submit to the organization which he believed to be the best, it should have no organization at all.

But, either from deliberate intention, or from mere carelessness, James set aside, upon his own responsibility, the law of the land. By the Act of 1592, to which the Presbyterian system owed its legal establishment, it was declared to be lawful for the Church to hold its General Assemblies at least once a year, if certain forms which had been complied with on this occasion were observed. And he had himself, at the last meeting of the Assembly, given his consent to the observance of this Act for the future.

Such disregard for the rights of the clergy was sure to draw upon James the suspicions of all who revered the existing constitution of the Church. In spite of the King's orders, the Presbytery of St. Andrews, which was always the first to start forward as the champion of Presbyterianism, sent three ministers to Aberdeen, who, finding themselves alone, came away, leaving behind them a written protest that they were not to blame for the consequences of such a breach of the laws of God and man.

Though the Presbytery of St. Andrews stood alone in protesting against the illegality of the adjournment, there can be little doubt that the dissatisfaction was widely spread. The representatives of the Church, or, as they were commonly called, the Commissioners of the General Assembly, had been chosen in accordance with the Act of the Assembly of 1600. Though they had not been suffered to sit in Parliament, they

¹ The King to Cranborne, March 14, 1605, *Hatfield MSS.* 188, fol. 90.

[illegible]

ters were allowed to appear on behalf of the Church. Indeed, several new Bishops, and the two Archbishops of St. Andrews and Glasgow, Gladstones and Spottiswoode, had been recently appointed by the King, without the slightest pretence of conforming to the mode of election prescribed by the Assembly. With the Commissioners the case was different. Their tenure of office was at an end as soon as the next Assembly met, and by simply refusing to reappoint them, the Assembly would put an end to the only link which existed for the time between the King and the Church. That such a course would be adopted was not in itself unlikely. They were, not unreasonably, regarded with great dislike by the vehement Presbyterians, as men who lent the weight of their authority to the support of the Crown against the clergy. That such a body should be in existence, in some form or another, was looked upon by James as a necessary part of the system upon which he proposed to govern the Church. If he could have been sure of having commissioners always by his side who would give him the support of an ecclesiastical authority in keeping the clergy in due submission to himself, he would probably have been satisfied. But this was exactly what he never could be sure of. Day by day the episcopal system appeared more desirable in his eyes. It was not ecclesiastical, it was purely a political question. Commissioners owed a divided allegiance, and might be removed from office at any time. Bishops were creatures of his own, and, from the very necessity of their position, would do his bidding, whatever it might be.

Against this attempt of the King to interfere with the Church all that was noblest in Scotland revolted. The Presbyterian ^{byterian} ^{sition.} terians felt that they had right on their side. It was impossible that such a scheme as that of James could be confined to restricting them from interfering with merely moral matters. If their Assemblies were silenced, or if they were only allowed to vote and speak under the eye of the Court, there was an end for ever of that freedom for which they had struggled so manfully. The kingdom of Christ, of which they constituted themselves the champions, may have been dimmed in their eyes of attributes and powers which had their

their own imaginations : but it is impossible to see the real nature of the contest in which they were engaged as one, like that between the medieval Popes and Kings, out of which, at the time when it was entered, no serious issue was possible. The King, in claiming the voice of the clergy when it was disagreeable to him, was a reality attempting to silence that criticism in the name of which all authority becomes stagnant and inert. The clergy, in claiming the right of criticism for itself, as it was done, in the name of an assumed Divine right, was making the independent development of lay society impossible. The real cure for the disorder was complete liberty of thought and liberty of speech, in the face of the immense power of the monarchy, was only attainable by organization. To crush organization, as James was now preparing to do, was to place the hands of the nobility, and to weaken, as far as it was possible, the strongest bulwark of thought over force which existed in Scotland.

At this time, too, the law of the land was on the side of the Assembly. The Act of 1592 distinctly guaranteed the yearly sessions of the Assembly. When, therefore, it was known that the King had ordered the Assembly to be again postponed, the majority were unwilling to irritate him by disobedience to his command, there were a few who felt that to yield at such a moment would be to betray the cause of the Church and of the people from fear of the consequences of resisting an arbitrary and tyrannical mandate.

On July 2, 1605, therefore, nineteen ministers assembled at Aberdeen. A few more would have joined them, if they had not been led to suppose that the day of meeting had been the 5th instead of the 2nd of the month.¹ This discrepancy in the letter by which the prorogation had been notified to them has been supposed to have been owing to a design on the part of the Government to bring them to Aberdeen in detached bodies.

As soon as this little handful were assembled, Straton pre-



ed them with a letter from the lords of the Council. As, however, the letter was directed 'To the Brethren of the Ministry convened in their Assembly in Aberdeen,' they refused to open it till they had constituted themselves into a regular Assembly by choosing moderator. Straiton, after suggesting John Forbes of Alford proper person, left the room. As soon as he was gone, was unanimously elected, and, the Assembly being convened, the letter of the Council was opened. It was found to contain a warning not to offend the King by meeting without consent, and an order to leave Aberdeen without appointing time or place for the next Assembly. To the first point ministers were ready to agree. They had no wish to push matters to extremities by attempting to transact business in presence of the King ; but they were by no means willing to surrender the independence of the Assembly, by leaving in the King's hands the appointment of its meetings. They did, however, what they could to avoid anything which looked like sycophancy. They sent for Straiton, and begged him to name any place he pleased, however distant, and assured him that they would willingly submit to his decision. It was only after his refusal to agree to their proposal, that they themselves adjourned the Assembly to the first Tuesday in September. It was then, and not till then, that the King's Commissioner declared that he did not consider it to be a lawful Assembly, as the Moderator of the last Assembly, who ought to have opened the meeting, was not present. He followed this up by threatening the ministers with treatment of rebels if they did not instantly break up their meeting. Having accomplished the object for which they had come, they left the town without making any resistance. Nine ministers, who arrived on the 4th and 5th, also went, after signifying their approval of the conduct of their brethren.¹

Whether during his last conversation with the ministers, or on his way home, Straiton remembered that the effect of what had

¹ Forbes, 388 396.

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On the same day, Forbes was summoned before the Council, and on his giving it as his opinion that the meeting at Aberdeen was a lawful Assembly, he was committed to custody in Edinburgh Castle, from whence, a few days later, he was removed to Blackness, where he was soon joined by John Welsh, one of those who had not appeared at Aberdeen till after the conclusion of the proceedings, but who was regarded by the Government with suspicion as a man who was warmly attached to the Presbyterian discipline.¹ Four others were at the same time sent down to Blackness.

The King was determined to carry out his authority with a high hand. He sent down a letter which all the Presbyteries were directed to have read from the pulpit, in which he explicitly affirmed that the law was not intended to bind him to observe under all circumstances the privileges by which any body or estate in the kingdom was allowed to meet or to deliberate.² This letter the Presbyteries refused to read, but it was published by authority some months afterwards. He also directed certain captious questions to be put to the imprisoned ministers, which were intended to entangle them into an admission of the unlawfulness of the Aberdeen Assembly.

On their refusal to do this, they were summoned, with some of the other ministers who shared in their steadfastness, to appear on October 24 before the Council, in order to hear the Assembly declared to be unlawful, and to receive their own sentence for taking part in it.³ On the ap-

¹ Forbes, 403.

² Calderwood, vi. 426. "As for an instance," James argued, "every burgh royal hath their own times of public mercats allowed unto them by the law, and the King's privilege, but when the plague happened in any of these towns did not he, by proclamation, discharge the holding of the mercat at that time for fear of infection, and yet thereby did no prejudice to their privileges?"

³ Calderwood, vi. 342. The portion of the Act of 1592 which bears upon the question, runs as follows:—"It shall be lawful to the Kirk and ministers, every year at the least and oftener, *pro re nata*, as occasion and necessity shall require, to hold and keep General Assemblies, providing that the King's Majesty, or his Commissioners with them to be appointed

pointed day they were brought before the Council, and, after in vain beseeching the Lords to refer their case to a General Assembly, gave in a declinature, in which they refused to acknowledge the jurisdiction of the Council in a question concerning the rights of the Church, and referred their cause to the next Assembly. James, when he heard of the course which they had taken, directed that they should be brought to trial

The King directs that they shall be brought to trial.

upon a charge of treason, under the Act of 1584, which pronounced it to be treasonable to refuse to submit to the jurisdiction of the Council. In order to insure a conviction, he sent down the Earl of Dunbar to use his authority with all who might be inclined to throw obstacles in the way. The very choice of such a representative was significant of the distance from the Scottish clergy to which James had drifted. Dunbar, who, as Sir George Hume, had accompanied James to England, was not a Presbyterian, and it was questionable whether he was even a Protestant.

In the proceedings which followed, it is neither the abstruse points of law which were so diligently argued, nor even the fate of the bold and fearless men whose lives and fortunes were at stake, which principally attracts our attention. The real question at issue was, whether the King's Government was worthy to occupy the position which it had taken up. If the Assemblies were not to be allowed to meet and to deliberate inde-

by His Highness, be present at ilk General Assembly before the dissolving thereof, nominate and appoint time and place when and where the next General Assembly shall be holden; and in case neither His Majesty nor His said Commissioners be present for the time in that town where the said General Assembly is holden, then, and in that case, it shall be lessum to the said General Assembly by themselves to nominate and appoint time and place where the next General Assembly of the Kirk shall be kept and holden, as they have been in use to do these times by-past." (*Acts of Parl. Scotl.* iii. 541.) It is evident that this Act is not without ambiguity. The case when, as happened in Aberdeen, the Commissioner was in the town, but refused to name a place and time, is not provided for. But the King took up ground which was plainly untenable when he spoke of the prorogation of 1604 as being one which the ministers were bound to attend to, as if it had been in accordance with the Act of 1592. The answer was, of course, that it had not been declared by the King or Commissioner present in an Assembly.—Forbes, *Records*, 452.

pendently of the authority of the State, what was to be substituted for them? Was their claim of Divine right to be met by calm deliberation, and by unswerving justice, allowing liberty of action wherever liberty was possible ; or by an exhibition of petty intrigues resting upon the support of brute force? In other words, did James appear as the standard-bearer of law and order against ecclesiastical anarchy, or was he clothing, ignorantly or knowingly, his own arbitrary will in the forms of political wisdom? In reality it was James himself who was on his trial, not the prisoners at the bar.

The proceedings did not commence in a very promising manner. It was necessary to remove the place of trial from Edinburgh to Linlithgow, lest the Chancellor and his associates should be unable to carry out their purpose in the face of a population which sympathised strongly with the ministers.¹ On the morning of January 10, the six who were confined at Blackness were hurried before the Council at Linlithgow, and, after all efforts had been made in vain to induce them to withdraw their declinature, were ordered to prepare for trial.

Criminal trials in England were not to be regarded at this period as models of justice, but it is certain that the most subservient judge who had ever sat upon the English Bench would have been shocked at the manner in which preparations were made for procuring a verdict against the ministers. Dunbar began by tampering with the judges. He plainly told them that if they did what he called their duty, they might expect to enjoy the favour of the King ; but that, on the other hand, if they failed in satisfying him, certain disgrace and punishment would overtake them. He then addressed himself to packing a jury, knowing well that unless extraordinary precautions were taken he would fail in his object. At last he found fifteen men amongst his own friends and relations who, as he hoped, would serve his purpose. To make everything sure, he finally filled the town with his followers, who would be ready to prevent any attempt to rescue the prisoners, and who might also serve the

¹ Forbes, *Records*, 452.

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In order to

protesting that Straiton's story of the proclamation at the Market Cross of Aberdeen was utterly false from beginning to end, he showed that the direction of the Council's letter by which the ministers assembled at Aberdeen were required to disperse, was enough to prove that that meeting was regarded as a lawful Assembly by the very Council which had afterwards called them to account. The only point in which the ministers had been disobedient was in refusing to dissolve the Assembly without appointing time or place for the next meeting. In doing this he asserted that they had acted in accordance with the laws of the kingdom as well as of the Church. The truth was that they were brought into danger in order to support the pretensions of the Commissioners of the Assembly, who were labouring to introduce the Romish hierarchy in place of the Church and Kingdom of Christ. He reminded the jurors that they had all of them subscribed to the confession of faith, and had sworn to maintain the discipline of the Church, and he adjured them to judge on that day as they would be judged when they were called to render an account to God of the oath which they had sworn.

After some altercation between Forbes and the Lord Advocate, Welsh addressed the jury. He spoke even more strongly than Forbes had done of the sole right of the Church Welsh's speech. to judge of ecclesiastical questions. As soon as he had finished, Hamilton told the jury that they ought not to be moved by what they had just heard, and, after admonishing them to perform their duty, he concluded by again threatening them with punishment if they refused to find a verdict against the prisoners. On the conclusion of this address, Forbes read a passage out of the covenant in which King and people had once united to protest their devotion to the Protestant faith; and then turning to Dunbar requested him to remind the King of the punishment which had overtaken Saul for his breach of the covenant which had been made with the Gibeonites, and to warn him lest a similar judgment should befall him and his posterity if he broke that covenant to which he had sworn. After this, as the other prisoners declared it to be unnecessary to add

them begged that some place. Another asked issue. A third begged been refused, they left together, it was found threats and to acquit the Stewart of Craighall, be the law, did not dare to accordingly, as soon as the majority, went back Lord Justice Clerk, who jury room, and warned th result. The Councillors, one more attempt to persi declinature. Having fail only tried what could be d they sent some of their n would do no harm to the King had no intention o only wished to have the ci to proceed to bring about of success. Influenced l

The end

with the nobility to make it likely that any actual danger was to be apprehended, he had at least notified to all who cared for honesty and truthfulness that it was only by falsehood and trickery that he had succeeded in establishing his claims. From henceforward it would be unnecessary to go into any elaborate argument in favour of the independence of the Church Courts. It would be sufficient to point to the trial at Linlithgow, and to ask whether that was the kind of justice which was so much better than that which was dispensed in the Ecclesiastical Courts. So strong was the general feeling on the subject, that when James wrote to the Council pressing them to bring to a trial the remaining ministers who had also signed the declinature, he received a reply informing him that it was very improbable that such a course would be attended with any good result, and recommending him to drop the prosecution in order to avoid an acquittal.¹

In the whole course of James's reign there is not one of his actions which brings out so distinctly the very worst side of his character. There can be no doubt that he really believed that he was justified in what he was doing, and that he blinded himself to the radical injustice of his proceedings, and to the scandalous means by which his objects were effected. He began by fancying that the ministers had acted illegally, and then read every law or principle to which they appealed through the coloured spectacles of his own feelings and interests. To any knowledge of the true solution of the really difficult questions which were involved in the dispute, he never had the slightest pretensions, excepting in his own eyes and in those of his courtiers.

The six ministers remained for some months in prison. At last, in October, they were condemned to perpetual banishment. As they went down to the boat, at Leith, which was to carry them away in the darkness of the night, the people, who crowded down to the beach to see them go, heard them singing the twenty-third Psalm. They had passed through the valley of the shadow of death, and had feared no evil. In prison and in banishment He who

Banishment
of the six
ministers.

¹ Botfield, *Original Letters*, i. 360* ; and note to p. 363*.

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The Linlithgow trial had
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terians, they had nothing in com
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the nobility.¹ Such arguments as these were unanswerable. The Parliament speedily passed the Acts which gave permission for the change; and added another, declaring that the King's authority was supreme 'over all estates, persons, and causes whatsoever.'²

The position occupied by James's Bishops was unique in the history of Episcopacy. There have been instances in which laymen have borne the title of Bishop, and there have been instances in which Bishops have passed gradually from the exercise of purely spiritual functions to the enjoyment of temporal jurisdiction ; but nowhere, excepting in Scotland, has a class of ministers existed who were clothed in all the outward pomp and importance of temporal lordships, whilst they were without any ecclesiastical authority whatever. Such a state of things was too ridiculous to continue long. Any attempt to rule the Church by means of the subservient courts of law, and the half-careless, half-corrupt Parliaments, was certain in the long run to prove a failure. Everything tended to make James more determined to give real authority to his Bishops, or, in other words, to himself.

But if this was to be accomplished, James shrank from carrying out his purpose by a simple act of authority. To do him justice, when a scheme of this kind came into his head, he always contrived to persuade himself that it was impossible for anyone to oppose it excepting from factious or interested motives. Just as to the end of his life he continued to believe that the English House of Commons misrepresented the loyal feelings of the nation, he now believed that the dislike of Bishops was confined to a few turbulent resisters of all authority. And such was his opinion of the justice of his cause and of the force of his own arguments, that he flattered himself with the notion that even those who had hitherto resisted his wishes must give way if he could once be brought face to face with them.

¹ Melville's *Diary*, 640. Council to James, July 4, 1606, *Melros Papers*, (Abbotsford Club), 15.

² *Acts of Parl. Scotl.* iv. 280.

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Conference at Hampton Court. liminary step, to
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client of ordering the men who had come up to England
 the faith of his invitation, to be committed to custody. It
 not long before a circumstance occurred which gave him
 excuse for severer measures. An epigram was put into his
 hands which had been written by Andrew Melville,
 on what seemed to him the Popish ceremonies prac-
 tised in the King's Chapel at one of the services which he had
 been compelled to attend.¹ The verses had not been put in
 circulation, nor was it intended that they should be ; but
 James, glad of an opportunity of revenging himself upon the
 man whom he detested, ordered him to be brought
 before the Privy Council. When there, Melville,
 amidst the taunting words of the members of this
 insympathising tribunal, with a not unnatural ebullition of
 impatience, turned fiercely upon Bancroft who had charged
 him with something very like treason, and reminding him of
 all his real and supposed faults, ended his invective by tel-
 ling him, as he shook one of his lawn sleeves, that these were
 Romish rags, and part of the mark of the beast. Such a scene
 had never before occurred in the decorous Council Chamber
 at Whitehall, and the Lords were not likely to leave it un-
 noticed. He was committed by them to the custody of the
 Dean of St. Paul's, from whence he was, after another ex-
 amination, transferred to the Tower. There he remained a
 prisoner for four years, till he was allowed to leave
 England at the request of the Duke of Bouillon, in
 whose University at Sedan he passed the remaining years of
 his life as Professor of Divinity. His nephew, whose
 sole crime was his refusal to acknowledge the King's
 ecclesiastical supremacy, was sent into confinement
 at Newcastle. The six other ministers were relegated to dif-
 ferent parts of Scotland.

Nov. 30.
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Treatment
 of the other
 ministers.

¹ "Cur stant clausi Anglis libri duo regiâ in arâ,
 Lumina cæca duo, pollubra sicca duo ?
 Num sensum cultumque Dei tenet Anglia clausum
 Lumine cæca suo, sorde sepulta suâ ?
 Romano an ritu dum regalem instruit aram,
 Purpuream pingit religiosa lupam ? "

The cycle of injustice was now complete. In the course of one short year the judicature, the Parliament, and the King had proved to demonstration that they were not in a position to demand of the Church the surrender of her independence. In theory, the view taken by James in protesting against the claim of the clergy to exclusive privileges approached more nearly to those which are very generally accepted in our own day, than do those which were put forward by Melville and Forbes. But that which is yielded to the solemn voice of the law may well be refused to the wilfulness of arbitrary power.

As yet, James did not venture upon proposing to introduce a copy of the English Episcopacy into Scotland ; but he determined to make an effort to bring the Bishops whom James then the Earl of Mar had he had nominated into some connection with the working machinery of the Church. There can be no doubt that, in detaining the eight ministers in England, he had been as much influenced by the hope of depriving the Scotch clergy of their support, as by the annoyance which he felt at their pertinacious resistance. But even at a time when no less than twenty-two of the leading ministers had been driven away from the scenes of their labours, he did not venture to summon a freely chosen Assembly, with the intention of asking it to surrender into the hands of the Bishops the least fraction of the powers which had hitherto been possessed by the Presbyteries and Assemblies of the Church. He had, in consequence, again prorogued the Assembly, which was to have met in the course of the summer.

Still, however, some means must be taken to cloak the usurpation which he meditated. He issued summonses to the various Presbyteries, calling upon them to send to The Linlithgow Convention. Linlithgow certain ministers who were nominated by himself, in order that they might confer with some of the nobility and of the officers of state, on the best means to repress the progress of Popery, and that they might determine upon the means which were to be taken for the preservation of the peace of the Church. On December 13, 1606, this assembly of nominees met, according to the King's directions ; and though the members at first showed some signs of inde-

pendence, they were in the end, by the skilful management of the Earl of Dunbar, brought to agree to all that was proposed to them. The chief concession obtained was, that in order that there might be an official always ready to counteract the designs of the Catholics, a 'Constant Moderator,' who might be entrusted with this permanent duty, should be substituted in all the Presbyteries for the Moderators who had hitherto been elected at each meeting. In the same way the Synods, or Provincial Assemblies, were also to be provided with permanent Moderators. Whenever a vacancy occurred, the Moderators of the Presbyteries were to be chosen by the Synod to which the Presbytery belonged. The Synod was itself to be presided over by any Bishop who might be acting as Moderator of any of the Presbyteries within its bounds, and it was only to be allowed to elect its own Moderator in cases where no Bishop was thus to be obtained. The Moderators, however, were to be liable to censure, and even to deprivation, in the Church courts. This arrangement, such as it was, was not to come into action at once. The first list of Moderators of all the Presbyteries in Scotland was drawn up by the Linlithgow Convention, and in it were to be found the names of all the Bishops for the Presbyteries in which they resided.¹

This Act left, indeed, the whole machinery of Presbyterianism in full action. But it accustomed the clergy to see the nominees of the Crown presiding in their courts, and might easily lead the way to fresh encroachments. It was hardly likely, however, that the decisions of this irregular Convention would be universally accepted as equal in authority to those of a free Assembly. It was soon found that resistance was to be expected, and the determination to resist was strengthened by a report which was generally circulated, to the effect that the Act of the Convention had been surreptitiously altered by the King, a report which gained increased credence from the circumstance that some of the ministers had in vain attempted to gain a sight of the original document.

James, however, determined to carry his scheme into effect

¹ *Calderwood*, vi. 601.

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been a considerable want of animation on the part of those classes on whom the Presbyterian clergy depended for support. What opposition there had been, came almost entirely from the ministers themselves. Not only were the great nobles, with one or two exceptions, banded together against them as one man, but the lesser gentry, and even the boroughs, were lukewarm in their cause.

The explanation of this change of feeling is not very difficult to find. In the first place the cause of Presbyterianism was no longer connected with resistance to foreign interference, with regard to which Scotchmen have at all times been so sensitive. In the early part of James's reign the ministers could appeal to the nation against the intrigues of France. At a later period, it was the dread of a Spanish invasion which gave point to their invectives against the northern earls. But with Huntly's defeat, in 1595, all this was at an end. If for a short time it was still supposed that Huntly and Errol were likely to renew their invitations to the Spanish Court, all suspicions of such behaviour on their part quickly died away, and the question between the King and the clergy could be treated as a mere matter of internal policy with which national prejudices had nothing whatever to do.

Nor were the King's innovations of such a nature as to provoke opposition from the ordinary members of Scottish congregations. The same sermons were likely to be preached by the same men, whether the General Assembly or the King got the upper hand. The proceedings of the Kirk-sessions were carried on exactly as before. There was, above all, nothing which addressed the eye in the changes which had been brought about. Men who would have been horror-struck at such alterations as those which were afterwards carried out in England by the authority of Laud, looked on with indifference as long as they saw the old familiar services conducted as they had been accustomed to see them conducted in their boyhood. To superficial observers—and in no age or country is their number a limited one—the question at issue was merely one of jurisdiction, by which the integrity of the Gospel was not in any way affected.

After mature deliberation, the Commissioners had determined to recommend that certain productions of each country should not be allowed to be exported to the other. **Commercial union.** The English were afraid of a rise in the price of cloth, if their sheep-farmers were permitted to send their wool to be manufactured in Scotland ; and the Scotch were equally alarmed at the prospect of high prices for meat, if their cattle could be driven across the Tweed to a more profitable market than Edinburgh or Perth could offer. With these and two or three other exceptions, the whole commerce of the two countries was to be placed on an equal footing. The Scotchman was to be allowed to sell his goods in London as freely as he could in Edinburgh ; and he was to be permitted to take part in those commercial enterprises upon which so much of the prosperity of England was already founded. A similar liberty was to be granted to Englishmen in Scotland ; though, for the present, at least, its value would be merely nominal.

A commercial union of this description made it necessary to take into consideration the question of naturalisation. **Naturalisation.** Unfortunately, it was impossible to avoid touching upon political difficulties. The best course would have been to have naturalised entirely, in each kingdom, all persons born in the other, but to have incapacitated them, at least for a certain time, from holding any high official position. There would have been less difficulty in drawing up a measure of this kind, as, of the six Scotchmen who had been sworn into the English Privy Council soon after the accession of James, all except one had been already naturalised by Act of Parliament,¹ and might fairly have been regarded as exceptions from the rule which was to be proposed.

The question was, however, complicated by a distinction drawn by the legal authorities who were consulted² by the

¹ Sir James Elphinstone (afterwards Lord Balmerino), the Duke of Lennox, the Earl of Mar, Sir George Hume (afterwards Earl of Dunbar), and Lord Kinloss, were naturalised in the first session of the reign.

² Opinions of the law officers of the Crown, Nov. 16, 1604, *S. P. Dom.* x. 75. In this opinion Popham, Fleming, and Coke concurred.

THE SAME MAN,
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Commissioners, therefore
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It is possible that if the Commissioners had followed their own judgment they might have seen their recommendations pass into law, in spite of the prejudices by which they were certain to be assailed in the House of Commons. But, unfortunately, in order to carry out this proposal, it was necessary to interfere with one of the prerogatives of the Crown ; and when James heard that his prerogative was to be touched, he was sure to take alarm, and to do battle for a shadow even more strenuously than he was ready to contend for the substance. In this case the difficulty lay in the acknowledged right of the Crown to issue letters of denization to aliens, by which all the rights of naturalisation might be conferred, excepting that of inheriting landed property in England. Although, however, a denizen might not inherit land, he was capable of holding it by grant or purchase, and of transmitting it to his descendants. He was also capable of holding all offices under the Crown. James protested, no doubt with perfect sincerity at the time, that he had no desire 'to confer any office of the Crown, any office of judicature, place, voice, or office in Parliament, of either kingdom, upon the subjects of the other born before the decease of Elizabeth.'¹ Under these circumstances, a sensible man would have gladly allowed a clause to be inserted, depriving him of the power of granting such offices by letters of denization to the Ante-nati. Even then he would still have been able to enrich any new Scottish favourites by gifts of money, and to those who were already naturalised he might assign as much more land as he pleased. Unluckily, James considered that he would be disgraced by such an attack upon his prerogative. The plan which he adopted had, at least, the merit of ingenuity : he agreed to the proposal of the Commissioners to refuse to the Ante-nati the right of holding offices, but he also required that the future Act of naturalisation should contain a distinct recognition of his right to issue letters of denization, and thus to break through those very restrictions which the House was to be asked to impose ; though at the same time he gave a promise that he would make no use of this right of which he was so eager to obtain the acknowledgment.

¹ C. J. i. 323. The King to Cranborne, Nov. 24, 1604, *S. P. Dom.* x. 40. i.

the King's speech. He entered upon those who had the end of the last session, had found some of the requirements. In treating of the Union question he was far in advance. He foresaw the benefits which would result from a complete amalgamation of the two nations, impatient of the conservative dread of each step into the unknown, and far more likely to secure his ends by less conspicuously open, and more gradual, world his eagerness for a far more complete union, which the assent of Parliament would now," he said, after recounting the history of the Union, "let that which hath been so often, by blood, and by fire, brought and wrought by the sword, be now received by a hallelujah ; and the Heptarchy was, united to let all at last be compounded. And since the crown, the sceptre, and the throne is resident and reposed here, it is but that they shall ever continue to acknowledge one Church and one King."

some of the rights of Englishmen, and, what was quite as much to the point, to sacrifice some of the interests of Englishmen?

So preoccupied were the Commons with the question of the Union, that the King's answer to their grievances was allowed

Nov. 19. to pass unchallenged. On the 21st the Report
The answer of the Commissioners of the Union was read. At
to the the once a storm of opposition arose amongst the
grievances. English merchants against the proposal to set free the commerce of the two countries. The merchants declared that they would certainly be ruined by the competition with which they

Debates on were threatened. Scotchmen would come in and
commercial out of England; they would always be in the way
intercourse. when they wanted to drive a bargain; but as soon as the time came round when taxes and subsidies were to be demanded, they would slip over the border, leaving the burden upon the shoulders of their English rivals. There were quite enough Englishmen engaged in the trading companies, and it was most undesirable that Scotchmen should rob them of their livelihood. To these and similar complaints the Scottish merchants had no difficulty in replying. They received the support of Salisbury, who, if he did not regard the Union with any great enthusiasm, had, at all events, too much sense to be led away by the fallacies by which it was assailed.¹

The feeling of the merchants found expression in the House of Commons. That House agreed, as a matter of course, to abolish the hostile laws; but though they were ready enough to protest against the monopoly of the trading companies, they looked with prejudiced eyes upon the principle of commercial freedom when it seemed to tell against themselves. On December 17, a scene occurred at a conference with the Lords which augured ill for the success of the measure. The staid Lord Chancellor scolded the merchants for the petition which they had drawn up against the Union. Fuller, in his rash, headlong way, said that the Scotch were pedlers rather than merchants. For this speech he was taken to task by the Lords, who told the Commons that, if they did not

Objections of the Merchants of London, with Answers by Salisbury and the Scottish Merchants, *S. P. Dom.* xxiv. 3, 4, 5.

cession.¹ Upon this Parliam

A few days after the reas-
topher Pigott, who had been

Feb. 13. in the representatic
Sir Christo- the resignation of S
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He said that they were begg
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there can be little doubt that
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out of the subsidies which they
paying the debts of three of his
of these, Lord Hay³ and Lord
must have increased the disgust
the King was regarded in the H

The next day James heard
mediately sent for Salisbury, and
him earlier information, and for
long unpunished²

them to take immediate steps for bringing the delinquent to justice.

The Commons, on hearing what had taken place in the Council, determined to deal with the matter themselves. They excused themselves for taking no steps at the time on the plea that it was not well to answer a fool according to his folly. After some debate, they resolved that Pigott, being a member of the House, was not liable to be called in question elsewhere. They then ordered that he should be expelled the House and committed to the Tower. In less than a fortnight, he was released upon the plea of ill-health.

Meanwhile, the House had commenced the discussion of the important question of naturalisation. On February 14, the debate¹ was opened by Fuller. He compared England to a rich pasture, which was threatened with an irruption of a herd of famished cattle. He proceeded to draw a most desponding picture of the state of the country. There was not sufficient preferment for the numbers of scholars who crowded to the Universities. The inhabitants of London were already far too numerous.

The existing trade did not suffice for the support of the merchants who attempted to live by it. If this was a true account of the evils under which the country was labouring, how could room be found for the impending invasion from the North? He then asked, in language which never failed in meeting with a response in the House of Commons, whether this doctrine of the naturalisation of the rising generation of Scots by the mere fact of their being born under the dominion of the King were really according to law. This theory made matters of the greatest importance depend not upon the law, but upon the person of the Sovereign. The consequences of such a doctrine would be fatal. If Philip and Mary had left a son, that son would have inherited the dominions of both his parents, and would have naturalised the Spaniards and the Sicilians in England, without any reference to Parliament. What might have happened fifty years before, might always happen at any moment under similar circumstances.¹

¹ C. J. i. 334.

long and deeply. He had
debates upon the subject
one paper¹ in which he
had taken a leading part
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These views he still held
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no way of supporting himself in the country to which he came, he would starve. But even if this were not the case, he denied that England was fully peopled. The country could with ease support a larger population than it had ever yet known. Fens, commons, and wastes were crying out for the hand of the cultivator. If they were too little, the sea was open. Commerce would give support to thousands. Ireland was waiting for colonists to till it, and the solitude of Virginia was crying aloud for inhabitants.¹ To the objection that it was unfair to unite poor Scotland to rich England, he replied that it was well that the difference consisted 'but in the external goods of fortune ; for, indeed, it must be confessed that for, the goods of the mind and the body they are' our other 'selves ; for, to do them but right,' it was well known 'that in their capacities and understandings they are a people ingenious ; in labour, industrious ; in courage, valiant ; in body, hard, active, and comely.' The advantages of a union with such a people were not to be measured by the amount of money they might have in their pockets. With respect to the legal part of the question, he expressed himself satisfied that the Post-nati were already naturalised ; but he thought it advisable that this should be declared by statute. He concluded by pointing out the dangers which might ensue if the present proposals were rejected. Quarrels might break out, and estrangement, and even separation might follow. If, on the other hand, the House would put all prejudices aside, they would make the United Kingdom to be the greatest monarchy which the world had ever seen.

Admirable as this argument was, and conclusively as it met all the objections which had been raised by the prejudices of the time, it is plain that there was one part of Fuller's speech which it left wholly unanswered. If England and Scotland were called upon to unite because all persons born after the King's accession were born within the King's allegiance, why might not Spain and England be called upon to unite under similar circumstances? Bacon and the judges might repeat as often as they pleased that the naturalisa-

One point
passed over
by Bacon.

The allusion to Virginia is not in the printed speech, but is to be found in the Journals.

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Feb. 25. which ensued,¹
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but which can hardly be supposed to have had any part in influencing his judgment. To Coke those technical grounds were everything. For the broader aspects of the case he cared nothing; but his reverence for the English common law amounted to a passion. He considered the system of which he was the acknowledged master to be the purest emanation of perfect wisdom. Whatever opposed the common law was treated by him with contemptuous arrogance. For the sake of the common law he had bullied Jesuits in his youth; for the sake of the same common law he was in his old age to stand forward to oppose his Sovereign. On this occasion there could be no doubt which side of the question would receive his support. English law had grown up under two distinct influences. The influence of the judges had drawn it in one direction, the influence of Parliament had drawn it in another. The natural tendency of the judges was to put forward on every occasion the authority of the Sovereign; the natural tendency of Parliament was to give expression to the rights of the nation. It happened that Parliament had never had occasion to legislate directly upon the subject, and Coke had no difficulty in quoting precedent after precedent to show that the decisions of the courts were all in favour of his doctrine of naturalisation by allegiance. The appeal of Sandys to a reasonable construction of the law in consequence of the altered condition of the country, he treated with cool contempt. He was there to declare what the common law declared, and of any other argument he knew nothing.

The Commons stood firm: they knew that whatever might be the value of Coke's arguments, they were in the right in placing the important question before them on a wider basis than that of the technical law. Whilst they doubted what course to take, they were informed that the Lords had consented to hear any practical suggestion which the Commons might agree to make.¹

The Commons refuse to give way.

¹ A paper in the *S. P. Dom.* xxvi. 69, concerning Scotchmen created Peers in England, is endorsed by Salisbury, "All other laws make them aliens, precedents contrary, reason, nature." On this point the Lords must have been with the Commons almost to a man.

Accordingly, on March 14, the Commons made a proposal of their own.¹ They were ready to do away with the distinction between the Ante-nati and the Post-nati, and were willing to naturalise by statute all the King's Scottish subjects. They would thus get rid of the difficulty attending the exercise of the prerogative. A clause was to be introduced, declaring those who held property in England to be subject to all the burdens connected with it; and it was to be added that natives of Scotland were to be excluded from a very considerable number of official positions. The proposed measure would have met all the difficulties of the case. The disqualifying portions of the Act would certainly be repealed as soon as the natives of England and Scotland began to feel that they were in reality members of a common country.

The Government desired time to consider this proposition, especially as there was reason to believe that the Commons thought of supporting it by passing a vote in direct condemnation of the opinion of the Judges that the Post-nati were already naturalised. The King's ministers accordingly took the somewhat extraordinary step of advising the Speaker to exaggerate a slight indisposition, in order that the Commons might be unable, in his absence, to proceed to any business of importance.² Soon afterwards the dispute entered on a new stage. The Commons made the sweeping proposal that the

Union should be made still more complete by bringing about an identity of the laws of the two nations, in order that Scotchmen who were to be admitted to honours and property in England might be subject to the law which was current in England. Bacon opposed this plan, on the ground that, excellent as it was, it would lead to intolerable delay.³ At last it was known that the King would himself address the two Houses. The speech which he delivered on this occasion⁴ was decidedly superior to any that

¹ *Cott. MSS.* Tit. F. iv. fol. 55. The debate in committee of March 6, on which the proposal was founded, is reported in *S. P. Dom.* xxvi. 72.

² Salisbury to Lake, March 18, *S. P. Dom.* xxvi. 90.

³ *Letters and Life*, iii. 335.

⁴ *C. J.* 357.

had yet fallen from his lips. For once he had a cause to plead which was not his own, and in pleading the cause of his country, and in striving to promote the future welfare of both nations, he allowed but few traces to be seen of that petulance by which his speeches were usually disfigured. He told the Houses plainly, that he looked forward to a perfect union between the countries ; but he told them no less plainly, that he was aware that such a union would be a question of time. For the present, all that he asked was the passing of the measure now before them. Though he trusted that they would not object to a complete naturalisation of the Post-nati, he would be ready to consent to any reasonable limitations upon his right of appointment to offices under the Crown. The tone of this speech, so much kindlier and more earnest than had been expected, produced a favourable impression on the House of Commons, and it was thought by some that if the question had been put to the vote immediately, the King would have obtained the greater part of his demands.¹ The speech was, however, followed by an adjournment for nearly three weeks, and when the House met again after Easter the impression had worn off. There was much discussion upon the course to be pursued, and it was only after the King had rated them for their delay that the House determined to confine its attention to the points upon which there was little

May 2. difference, and to reserve the questions of commerce and naturalisation for future consideration. A Bill
Abolition of and naturalisation for future consideration. A Bill
hostile laws, was accordingly drawn up for the abolition of those
and extradition laws in which Scotland was regarded as a hostile
of country, on the condition that statutes of a similar description
criminals. should be repealed in the next Parliament which met in Scotland. It was also decided to introduce into this Bill clauses regulating the manner in which Englishmen were to be brought to trial for offences committed in Scotland. During the last four years much had been done for the pacification of the Borders. The transportation to Ireland of many of the worst offenders had been attended with satisfactory results, and the

¹ Boderie to Puisieux, April ^{6th,}_{16th,} 1607, *Ambassades*, ii. 168.

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speak on behalf of a prisoner accused of felony, nor was an oath administered to the witnesses who were called to speak on his behalf. This custom was the relic of a system which had long passed away. As long as the jury were sworn witnesses, they only called in additional witnesses for the purpose of obtaining further information. The prisoner did not call any witnesses at all. In due course of time, the sworn witnesses became judges of the fact, and the witnesses for the prosecution were regarded as accusers, in some measure filling the places of the old sworn witnesses. While, therefore, an oath was tendered to them, persons who might appear to give their testimony on behalf of the prisoner, were looked upon as irregularly present, and were left unsworn. The consequence was, that an excuse was given to an unfair jury to neglect evidence tendered in support of the prisoner, because it had not been confirmed by an oath.

As usual, the lawyers had invented reasons for approving of a custom which had grown up unperceived amongst them. When Sandys proposed that the prisoners in Border trials should be allowed the assistance of counsel, and added that he should be glad to see the same course adopted over all England, Hobart immediately rose and declared that he regarded this as an attempt to shake the corner-stone of the law, and advised that such suggestions should be reserved for the time when they might be deliberating on a general revision of the laws of the two countries.¹ In a similar spirit, arguments were brought against the proposal to allow the witnesses of the prisoner to be sworn.² In spite of all opposition, the proposed clause was carried. Another clause was also carried, which ordered that juries should be chosen from a higher class of men than that from which they were selected in the rest of the country, and power was given them to reject such witnesses as they might suppose to be inclined, from affection or malice, to falsify their evidence. Nothing, however, was done to give the prisoner the benefit of counsel.³

¹ Notes of proceedings, May 29, *S. P. Dom.* xxvii. 30.

² Collection of arguments in the House of Commons, June 5, *S. P. Dom.* xxvii. 44.

³ 4 Jac. I. cap. 1.

Doderidge having been
of King's Serjeant, according to
Ellesmere in the preceding summer
the conduct of an unpopular cause
thies were engaged, Bacon had
entitle him to the honour which he

Busy as the session had been,
so preoccupied with the debates on
to pay attention to the complaint
trading in Spain. Ever since the treaty
the relations between Spain
subjected to a strain, a
which was the legacy of the
the Government strove in
attempts to draw the bonds of amity
of the two nations would warrant.

In the spring of 1605 the question
English ports reached a crisis. The Spanish
Fajardo, had received orders to
men from Spain into the English
improbable, he was unable
he was to set them on shore
was supposed that they would obtain
could be obtained to send them across
which might slip overboard.

1605.
Relations
between
England and
Spain.

Conflict
between
Spanish and
Dutch ships
in Dover
harbour.

of barring the passage of the Straits. The Spaniards neglected even to take the ordinary precaution of keeping together. On June 2, two of their ships found themselves in the presence of the enemy. The crews, after firing a few shots, ran them both on shore. A few of those who were on board escaped by swimming. The remainder, according to the custom which prevailed in those horrible wars, were massacred to a man.

The next day the eight remaining vessels came up. The leading ship, on board which was the Spanish admiral, was the English merchantman which had been seized at Lisbon. The English crew were still on board, and their knowledge of the coast stood the admiral in good stead. They kept the vessel close to the shore, and were able to slip into Dover harbour without suffering much damage. Of the others, one was cut off by the enemy. As on the preceding day, the Dutch took few prisoners, and threw the greater part of the officers and men into the sea. Two more vessels shared the same fate. They attempted to run on shore, but were boarded before the crews could escape. The remaining four made their way into the harbour. The Dutch, in the ardour of the combat, forgot that their enemies were now under the protection of the English flag. This was too much for the commander of the Castle, who had for two days been a spectator of the butchery which had been committed under his eyes. He gave orders to fire upon the aggressors, who drew off with the loss of about a hundred men.

This affair gave rise to a long series of negotiations. The Spanish ambassador, thinking that James would be sufficiently annoyed at the proceedings of the Dutch fleet to grant him anything which he might choose to ask, demanded that the remainder of the troops should be conveyed to Flanders under the protection of the English fleet. This was at once refused, but James allowed himself to be prevailed upon to request the States to give permission to the Spaniards to pass over. When he heard that this demand had been rejected, he offered to allow them to remain at Dover so long as they were maintained at the expense of the King of Spain. This offer was accepted, and they remained in England for some months. Their numbers were much thinned by the

Negotiations
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In Spain itself, the 1
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Englishmen
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The officers of
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was solemnly ratified.³ But
Cornwallis, who remained in
had to complain that these a
tion. As soon as an English
by the officials of the Inqui
sailors about their religion, an
books. If any of the crew
ill-treatment if they refused t
to them as a test of their reli
months after the ratifications
was obtained from the King,
The growing

uly 1605, hints were thrown out to Cornwallis at Madrid, similar to those which had been thrown out by the Spanish ambassadors in England, that the King of Spain would gladly see his eldest daughter married to Prince Henry. Spain would surrender to the young couple its claims to a large portion of the Netherlands.

If the proposed marriage were not agreeable, a large sum of money, as well as the possession of some fortified towns in the Low Countries, would be guaranteed to James if he could persuade the Dutch to give up their independence upon certain conditions which were afterwards to be agreed upon. Salisbury, who probably thought that these overtures might be made the basis of negotiations which might give peace to the Netherlands, and who was compelled by the receipt of his pension to keep up at least the appearance of a good understanding with the Court of Spain, directed Cornwallis to ask that some definite proposal should be submitted to him.¹ The suggestion that James should mediate was repeated. After some delay the English Council directed Cornwallis to inform the Spaniards that James was unwilling to propose to the States to accept his mediation, as it was certain that they would refuse to submit to their old masters upon any terms. If, however, the Spaniards still desired it, he would direct Winwood to sound the minds of the Dutch upon the subject. If, on the other hand, the alternative of the marriage were preferred by Spain, he would ask the States whether they would be willing to receive his son as their sovereign. The Spaniards, however, who had perhaps never intended to do more than to lure James away from his alliance with the Dutch, upon further consideration raised objections to the marriage of the Infanta with a Protestant, and the negotiation fell to the ground.

After the discovery of the Gunpowder Plot, all chance of a close alliance between the two Governments was for the present at an end. The knowledge that the English troops in the service of the Archduke had been intended by the conspirators to co-operate with them by invading England, induced James to refuse

¹ Salisbury to Cornwallis, Oct. 24, 1605, *Winw.* ii. 147; and a series of documents commencing at p. 160.

1605.
with which the Catholics were
make James popular in Spain.
irritated at the refusal of the
Baldwin, who were believed to
spiracy, and he knew that in the
the Court of Brussels had the fi
Nor was James unwarranted
of horror with which he was re
the formation of fresh

Plots formed
in Spain. At no time were the
at Madrid and Brussels fuller of re
than in the summer of 1606. Of
came to a head.

On July 6, a certain Captain
the Privy Council. His account
served in Ireland during
missed from his post w
In May 1605, he had come to I
recommendation, the Dutch ambas
captain's command if he could succ
for the States. With this object in vi
provided with recommendatory letter
was at this time full of discharged sol
no longer required. When he arrive
was too late, as all the English
the States

become a profession for life, had no scruples in joining any side which would pay him, readily assented, and sailed for Spain with two hundred men. Upon his arrival, the authorities, who knew that he had formerly served under the English Government, put him in prison as a spy, and dispersed his men amongst different regiments. Shortly after this he fell in with a Colonel Franceschi, who incited him to take vengeance upon the English Government, by which he had been deprived of his command in Ireland. He obtained from him several particulars of the state of the Irish fortifications, and told him that, if war should break out, he should be provided with 10,000*l.* and a force with which he might invade that country. Franceschi, who had probably received some vague intelligence of the existence of the Gunpowder Plot, added that peace could not long endure. Ere long, he said, he would hear strange news from England, where, if he had not been deceived, there would be great changes before Christmas. Meanwhile, it was suggested to him that he would do good service if he would go into the Low Countries and enter into a correspondence with some of his old comrades who were in the service of the States, as he might be able to induce them to betray some of the towns which were intrusted to their keeping.

Newce accordingly left Spain, as if for the purpose of travelling into Flanders; but instead of going directly to his destination, he slipped over to England, and told the whole story to Salisbury, who directed him to continue on good terms with Franceschi, and to let him know when any plot which might be in hand was ripe for execution. Going over to the Low Countries, he again met Franceschi, and was told by him of a secret service which would bring him great rewards. He could not obtain any information of the nature of this service, but he was informed that if he would go into England, a brother of Franceschi's should join him there, and acquaint him with all that was necessary for him to know. He accordingly returned to England in the beginning of March. It was not till June 29 that Tomaso Franceschi, who had been sent over by his brother, joined him at Dover. He had crossed in companionship with an Irishman, named Ball, who acted as secre-

...and in the ...
...as well as the wife and ...
...of the king is ...
...some ... he was ...
...and was told that he was ...
...Rogers ... Finning, or Ram ...
...day he met Franceschi upon Town ...
...proposition of requesting a friend ...
...them and to do his best to overhear ...
...Franceschi repeated the proposal of her ...
...went down the river together to look ...
...over to Holland. Leckington's ...
...returning from a fruitless search for so

Franceschi say, "A brave-sp
horse and a pistol might ch
after in a day and night:" to
"The best time for it would be when he
These words were declared by Newce
conversation in which Franceschi propo
the King: and it must be confessed th
spoken, they could bear no other interpre

On the following morning, Newce n
Spanish ambassador's. He told him that
in the way of betraying the town
Soon after ...

proposi
to murder
the King

that's an
attempt to
poison
Newce

what had happened. Franceschi was at once arrested. The Spanish ambassador refused to surrender Ball, upon which Salisbury sent to seize him, even in the ambassador's house. Franceschi admitted that there had been a plot for the betrayal of one of the towns, but denied that he had ever said a word about murdering the King.¹ Newce, however, when confronted with him, persisted in the truth of his story. Ball, after some prevarication, admitted that he had given the sweetmeats to Newce.

Franceschi
and Ball
arrested,

but are sub-
sequently
released.

If Franceschi had been an Englishman, and if Ball had not been under the ambassador's protection, further inquiries would undoubtedly have been made. As the matter stood, the Government thought it prudent to let the investigation drop. Newce's character was not sufficiently good to enable Salisbury to rely upon his evidence, and he was unwilling to give further provocation to the ambassador, whose privileges he had recently set at nought, by ordering an arrest to be made in his house. It was not long before Ball was set at liberty; Franceschi was kept in the Tower for more than a year, at the expiration of which time, he, too, was allowed to leave the country.²

Whilst the Spaniards were becoming more and more hostile to England, there was little hope that English traders who fell into their power would receive even simple justice at their hands. These traders were now very numerous. In 1604 the Commons had declared strongly in favour of throwing open the commerce with Spain to all Englishmen who were willing to engage in it. The proposal had been resisted by the Government on the ground that the burden of protecting the trade ought to fall in the first place on the merchants themselves, and that some organization was necessary in order to provide payment for the consuls who were

1604.
The trade
with Spain.

¹ Examinations of Franceschi, July 6 and 12, 1606, *S. P. Dom.* xxii. 39, 51.

² Boderie to Puisieux, ^{Aug. 29,} 1607, *Ambassades de M. de la Boderie*, i. 203. This account agrees with that given in the papers in the *S. P.*, excepting in some of the dates.

to act on behalf of English mariners and traders in the Spanish ports. After the end of the first session of Parliament Chief Justice Popham proposed, as a compromise, that a company should be formed, but that it should be open to all ^{1605.} who were willing to contribute a fixed sum. Salisbury ^{The Spanish Company.} eagerly adopted the plan, and in 1605 a Spanish company was established on this footing.¹

In the session of 1605-6, however, it appeared that the House of Commons was dissatisfied with this arrangement.

^{1606.} There were many owners of small craft in the Channel ^{Opposition of the Commons.} ports, who had hoped to be able to make a livelihood by running their vessels to Lisbon or Corunna, though it was out of their power to pay the subscription required by the new company. Their cause was taken up in the Commons, and a Bill was brought in declaring that all subjects of his Majesty should have full liberty of trade with France, Spain, and Portugal, in spite of any charters which had been or might at any future time be granted.² Salisbury saw that the feeling of the Commons was too strong to be resisted, and the Bill passed through both Houses without opposition.

The petty traders thus admitted to commercial intercourse with Spain did not always receive advantage from the privilege which they had craved. Their treatment by the Spanish authorities was often exceedingly harsh. The slightest suspicion of the presence of Dutch goods in an English vessel was enough to give rise to the seizure of the whole cargo. The merchants complained, with reason, of the wearisome delays of the Spanish courts. Whatever had once been confiscated on any pretext, was seldom, if ever, restored. Even if the owner was sufficiently fortunate to obtain a decision in his favour, the value of the property was almost invariably swallowed up in the expenses of the suit, swollen, as they were, by the bribes which it was necessary to present to the judges. It was suspected that the Government was as often prevented from doing justice by its inability to furnish the compensation demanded, as from any

¹ Charter of the Spanish Company, May 31, 1605; Salisbury to Popham, Sept 8, 1605, *S. P. Dom.* xiv. 21, xv. 54.

² Memoranda, April 11, 1606, *S. P. Dom.* xx. 25.

intention to defraud. But whatever its motives may have been, the consequences were extremely annoying. That English ships trading with America should have been seized, can hardly be considered matter for surprise. But English patience was rapidly becoming exhausted, when it was known in London that ship after ship had been pillaged, upon one pretence or another, even in Spanish waters. Cornwallis represented to the Spanish Government the hardships under which his countrymen were suffering. He was met with smooth words, and promises were given that justice should be done ; but for a long time these promises were followed by no practical result whatever.

Such were the grievances which, in 1607, the merchants laid before the Commons. They selected the case of the 'Trial,' as one which was likely to move the feelings of the House. On February 26, Sir Thomas Lowe, one of the members for the City of London, brought their case forward. The 'Trial' on her return from Alexandria, in the autumn of 1604, had fallen in with a Spanish fleet. The Mediterranean was at that time infested by swarms of pirates, in whose enterprises Englishmen had taken their share. The Spaniards, on their part, were not content with attempting to repress piracy. Orders had been given to their officers to prevent all traffic with Jews and Mahometans, on the ground that it was unlawful to trade with the enemies of the Christian religion. On this occasion, the purser of the 'Trial' was summoned on board the admiral's ship, and was told by that officer—so runs the narrative which was read in the House of Commons—'that he was commanded to make search for Turks' and Jews' goods,¹ of which, if our ship had none aboard, he then had nothing to say to them, for that now a happy peace was concluded between the Kings, so as they would but only make search, and, not finding any, would dismiss them. But, notwithstanding their promises, albeit they found no Turks' nor Jews' goods, they then alleged against them that their ship was a ship of war,² and that they had taken from a Frenchman a piece of ordnance, a sail, and a hawser.' The Englishmen

1607.
The mer-
chants
petition the
House of
Commons.

¹ C. J. i. 340.

² *i.e.* a pirate.

endeavoured to prove that the ship was a peaceable merchant-man ; but in spite of all that they could say, the Spaniard 'commanded the purser to be put to the torture, and hanged him up by the arms upon the ship's deck, and, the more to increase his torture,' they hung heavy weights to his heels ; 'nevertheless he endured the torture the full time, and confessed no otherwise than truth. So then they put him the second time to torture again, and hanged him up as aforesaid ; and, to add more torment, they tied a live goat to the rope, which, with her struggling did, in most grievous manner, increase his torment, all which the full time he endured. The third time, with greater fury, they brought him to the same torment again, at which time, by violence, they brake his arms, so as they could torment him no longer ; nevertheless he confessed no otherwise but the truth of their merchants' voyage. All which, with many other cruelties, being by our mariners at sea endured for the space of two months, all which time they enforced ship and men to serve them to take Turks, as they pretended.' The poor men were at last sent to Messina, where the officers were put in prison, and the crew sent to the galleys, 'where they endured more miseries than before, inso-much as few or none of them but had the hair of their heads and faces fallen away ; and in this misery either by torment, straitness of prison, or other cruel usage, in a short time the master, merchant, and purser died, and to their deaths never confessed other but the truth ; and, being dead, they would afford them none other burial but in the fields and sea-sands. All of our men being wasted, saving four,¹ they were only left there in prison and galleys, and these, through their miseries, very weak and sick. One of them, called Ralph Boord, was twice tormented, and had given him a hundred bastinadoes to enforce him to confess, and for not saying as they would have him, was committed to a wet vault, where he saw no light, and lay upon the moist earth, feasted with bread and water, for eight days, and being then demanded if he would not confess otherwise than before, he replied he had already told them the

¹ There were eighteen originally.

truth, and would not say otherwise : whereon they took from him his allowance of bread, and for seven days gave him no sustenance at all, so that he was constrained to eat orange-peels which other prisoners had left there, which stunk, and were like dirt, and at seven days' end could have eaten his own flesh ; and the fifteenth day the gaoler came unto him and not finding him dead, said he would fetch him wine and bread to comfort him, and so gave him some wine and two loaves of bread, which he did eat, and within a little while after, all his hair fell off his head ; and, the day after, a malefactor for clipping of money was put into the same vault, who, seeing what case his fellow-prisoner was in, gave him some of his oil he had for his candle to drink, by which means . . . his life was preserved.'

At last the four who were left alive acknowledged that they had robbed the French ship of the piece of ordnance and the other articles, which had in reality belonged to the ship when she sailed from England.

The indignation felt by the House of Commons at such a tale as this may easily be conceived. They took the matter up warmly. This case of the ' Trial ' was only one out of many others. The ' Vineyard ' had been seized under pretence that she was carrying ammunition to the Turks. It was said that, besides the hardships inflicted upon the crews, English merchants had been unfairly deprived of no less a sum than 200,000/.¹ But it was more easy to feel irritation at such proceedings than to devise a remedy. Even the merchants themselves did not dare to advise an immediate declaration of war. Merchant vessels went far more at their own risk in those days than they do now. That the nation should engage in war for the sake of a few traders was not to be thought of. The Government did its part if it remonstrated by means of its ambassadors, and used all its influence to obtain justice.

Still the merchants were not content that the matter should rest here. They had discovered an old statute authorising the

The Commons forward the petition to the Lords.

¹ C. J. i. 373.

issue of letters of marque, upon the receipt of which the aggrieved persons might make reprisals upon the goods of the nation which had inflicted the wrong. They requested that such letters might now be issued, and their request was forwarded by the Commons to the Lords.

On June 15¹ a conference was held between the two Houses. Salisbury told the Commons that peace and war must be determined by the general necessities of the kingdom. He reminded them that it was at their request that the late Spanish Company had been abolished, and that the merchants were now suffering from the loss of the protection which they had derived from it. It was notorious that it was difficult to obtain justice in Spain, and those who traded there must not expect to fare better than the inhabitants of the country. In reviewing the particulars of their petition, he told them that each merchant must carry on trade with the Indies at his own risk. With respect to the other complaints, the Spanish Government had given assurance that justice should be done; he therefore thought it better to wait a little longer before taking any decided step. He was able, without difficulty, to point out the extreme inconveniences of the issue of letters of marque. It would be immediately followed by a confiscation of all English property in Spain, the value of which would far exceed that of the few Spanish prizes which the merchants could hope to seize.

He then turned to argue another question with the Commons. He maintained that the determination of war and peace was a prerogative of the Crown, with which the Lower House was not entitled to meddle. This assertion he supported by a long series of precedents² from the times of the Plantagenets. It had often happened that the Commons, from anxiety to escape a demand for subsidies, had excused themselves from giving an opinion on the advisability of beginning or continuing a war. He argued that when the opinion of Parliament had really

¹ The speeches of Salisbury and Northampton are reported in *Bacon's Letters and Life*, iii. 347.

² Hallam, *Middle Ages* (1853), iii. 52.

been given, it was 'when the King and Council conceived that either it was material to have some declaration of the zeal and affection of the people, or else when the King needed to demand moneys and aids for the charge of the wars.' His strongest argument was derived from the difficulty which the House must feel in doing justice upon such matters. After all they could only hear one side of the question. The Commons had themselves felt the difficulty. 'For their part,' they had said a few days before,¹ 'they can make no perfect judgment of the matter because they have no power to call the other party, and that therefore they think it more proper for their Lordships, and do refer it to them.' In fact, negotiations with foreign powers must always be left in the hands of the Government, or of some other select body of men. The remedy for the evil, which was plainly felt, lay rather in the general control of Parliament over the Government than in any direct interference with it in the execution of its proper functions. Salisbury concluded by assuring the Commons that no stone should be left unturned to obtain redress, and by a declaration that if, contrary to his expectation, that redress were still refused, the King would be ready 'upon just provocation to enter into an honourable war.'

Salisbury was followed by Northampton, in a speech which hardly any other man in England would have allowed himself to utter. In him was combined the superciliousness of a courtier with the haughtiness of a member of the old nobility. He treated the Commons as if they were the dust beneath his feet. He told them that their members were only intended to express the wants of the counties and boroughs for which they sat, and that thus having 'only a private and local wisdom,' they were 'not fit to examine or determine secrets of State. The King alone could decide upon such questions, and it was more likely that he would grant their desires if they refrained from petitioning him, as he would prefer that he should be acknowledged to be the fountain from which all acceptable actions arose. After advising them to

Speech of
Northampton.

¹ C. J. i. 381.

innate Joab, 'who, lying at the siege of Rabbah, and finding it could not hold out, writ to David to come and take the honour of taking the town,' he concluded by assuring them that the Government would not be forgetful of the cause of the merchants.

However insulting these remarks of Northampton were, the Commons had nothing to do but to give way before Salisbury's cooler and more courteous reasoning. They had no feasible plan to propose on their own part, and it was certainly advisable to attempt all means of obtaining redress before engaging in a war of such difficulty and danger. At Madrid, Cornwallis did what he could. He frequently succeeded in obtaining the freedom of men who were unjustly imprisoned,¹ but the difficulties and delays of Spanish courts were almost insuperable. In cases where there was a direct breach of treaty, a threat of war would probably have expedited their proceedings; but there was an evident disinclination on the part of the English Government to engage in a hazardous contest for the sake of merchants. It was some time before English statesmen were able to recognise the value of the interests involved in commerce, or were entrusted with a force sufficient to give it that protection which it deserves.

On July 4, after a long session, Parliament was prorogued to November 10. The members of the Lower House would thus be able to consider at their leisure the proposed Bills which were intended to complete the original scheme of the Commissioners for the Union. Of James's real inclination to do what was best for both countries, there can be no doubt whatever. In another difficulty which had recently shown itself in England, his care to do justice had significantly asserted itself.

Before the prorogation took place he had been called upon to deal with one of those tumults caused by the conversion of arable land into pasture, which had been the root of so much trouble during the whole of the preceding century. In the greater part of England the inevit-

¹ *Warr.* ii. 320, 338, 360, 367, 391, 410, 439; iii. 26.

able change had been already accomplished. But in Leicestershire and the adjoining counties special circumstances still caused misery amongst the agriculturists. In addition to the sheep farms, which were still extending their limits, several gentlemen had been enclosing large parks for the preservation of deer. An insurrection broke out, the violence of which was principally directed against park pales and fences of every description. It was easily suppressed, and some of the ringleaders were executed. But the King gave special orders to a Commission, issued for the purpose of investigating the cause of the disturbances, to take care that the poor received no injury by the encroachments of their richer neighbours. As no further complaints were heard, it may be supposed that his orders were satisfactorily carried out.¹

Undoubtedly, however, James's mind was more fully occupied with the progress of the Union than with the English enclosures. In August, the Scottish Parliament met and assented to the whole of the King's scheme, with the proviso that it should not be put in action till similar concessions had been made in England. It is doubtful whether the English Parliament, if it had met in November, would have been inclined to reciprocate these advances. At all events, before the day of meeting arrived, James resolved to avail himself of the known opinions of the judges, to obtain a formal declaration from them of the right of the Post-nati to naturalisation without any Act of Parliament whatever. A further prorogation removed any danger of a protest from the Commons till the decision of the judges was made known.

In the autumn of 1607, therefore, a piece of ground was purchased in the name of Robert Colvill,² an infant born at Edinburgh in 1605, and an action was brought in his name against two persons who were supposed to have deprived him of his land. At the same time, a suit was instituted in Chancery

¹ There are several letters amongst the *Hatfield MSS.* showing the King's anxiety on behalf of the poor in this affair.

² Known as Calvin in the English law books. He was a grandson of Lord Colvill of Culross, whose family name was often written Colvin.

against two other persons for detaining papers relating to the land. In order to decide the case, it was necessary to know whether the child were not an alien, as, if he were, he would be disabled from holding land in England. The question of law was argued in the Exchequer Chamber, before the Chancellor and the twelve judges. Two only of the judges argued that Colvill was an alien; the others, together with the Chancellor, laid down the law as they had previously delivered it in the House of Lords, and declared him to be a natural subject of the King of England.

It is certain that James had no expectation that this decision of the judges would prove a bar to the further consideration of the Union by Parliament. In December, he consulted Hobart, the Attorney-General, on the extent of the divergency between the laws of the two nations. He was agreeably surprised by Hobart's report. If there was no more difference than this, he said, the Scotch Estates would take no more than three days to bring their Law into conformity with that of England.

No doubt, James exaggerated the readiness of the Scotch Estates to change their law. When he had obtained the judgment of the Exchequer Chamber in his favour, he found that it was hopeless to expect that the English Parliament would give way on the Commercial Union. From the first they had been set against it, and it was not likely that they would change their minds after the question of naturalisation had been decided in defiance of their expressed wishes. Parliament was prorogued, and it was some time before it was allowed to meet again.

There are occasions, which from time to time arise, when progress can only be effected in defiance of a certain amount of popular dissatisfaction, and it may be that this was one of

¹ *State Trials*, ii. 559. There are also notes of the judgments in *S. P. Dom.* xxx. 40, and xxxiv. 10.

² Lake to Salisbury, Dec. 8, *Hatfield MSS.* 194, 29.

them. But every attempt to move forward in such a way is accompanied by some amount of friction, and there had already been too much friction in the relations between James and the House of Commons. The King wished to act fairly, but he had too little sympathy alike with the best and the worst qualities of the race which he had been called to govern, to work in harmony with his subjects.

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bours. Every castle became a centre from whence murder, robbery, and disorder spread over the wretched country like a flood. Against these armed offenders no law was of any avail, for no authority was in existence to put it in execution. In adopting the lawlessness of the natives, the descendants of the invaders also adopted their peculiarities in dress and manners. The English Government complained in vain of what they called the degeneracy of their countrymen. The causes of this degeneracy, which were so dark to them, are plain enough to us. Between the conquest of England and the conquest of Ireland there was nothing in common but the name. The army of William was obliged to maintain its organization after the Conquest, as the only means by which the English nation could be kept in check ; and in the Middle Ages organization and civilisation were identical. In Ireland no such necessity was felt. No Irish nation, in the proper sense of the word, was in existence. There were numerous septs which spoke a common language, and whose customs were similar ; but they were bound together by no political tie sufficiently extensive to embrace the whole island, nor were they united by any feelings of patriotism. Each petty chief, with his little knot of armed followers, was ready enough to repel invasion from his own soil, but he was by no means eager to assist his neighbour against the common enemy. If he had any interest in the conflict at all, he would probably be not unwilling to see the chieftain of the rival sept humbled by the powerful strangers from England.

There was, therefore, amidst the general disunion of the Irish, no sufficient motive to induce the conquerors to maintain what organization they may have brought with them. No fear of any general rising urged them to hold firmly together. In some parts of the country, indeed, the native chieftains regained their ancient possessions. Such cases, however, were of merely local importance. A Fitzgerald or a Bourke did not feel himself less strong in his own castle because some inferior lord had lost his lands. On the other hand, if the O'Neill or the O'Donnell could hold his own at home, he did not trouble himself about

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justice upon all its subjects alike. The danger which England incurred from foreign powers in consequence of the Reformation, compelled the English Government to turn its attention to Ireland. That Ireland should form an independent kingdom was manifestly impossible. The only question was, whether it should be a dependency of England or of Spain. Unhappily Elizabeth was not wealthy enough to establish a government in Ireland which should be just to all alike. Much was left to chance, and brutal and unscrupulous adventurers slaughtered Irishmen and seized upon Irish property at random.

Ireland was governed by a succession of officials whose term of office was never very long. As is generally the case under such circumstances, there were two distinct systems of government, which were adopted in turn. One Lord-Deputy would attempt to rule the country through the existing authorities, whether of native or of English descent. Another would hope to establish the government on a broader basis by ignoring these authorities as far as possible, and by encouraging their followers to make themselves independent. Sir William Fitzwilliam, who was appointed Deputy in 1586, made it the main object of his policy to depress the native chiefs. This was in itself by far the more promising policy of the two, but it required to be carried out with peculiar discretion, and, above all, it could only be successful in the hands of a man whose love of justice and fair dealing was above suspicion. Unfortunately this was not the case with the Deputy. He was guilty of the basest perfidy in seizing and imprisoning some of the chiefs, and he not only accepted bribes from them, but had the meanness not to perform his part of the bargain, for which he had taken payment. Such conduct as this

1598. was not likely to gain the affections of any part of the population. The spirit of mistrust spread further under successive Deputies, till in 1598 the news that an English force had been defeated at the Blackwater roused the whole of Ireland to revolt. Never had any Irish rebellion assumed such formidable proportions, or approached so nearly to the dignity of a national resistance. At the head of the rebellion were the

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pelled to capitulate

quarter tell over the rest of the country, nor was it possible to maintain a large army in the field at a distance from its base of operations. Mountjoy saw at a glance the true character of the war in which he was engaged. He made war upon the Irish tribes more with the spade than with the sword. By degrees, every commanding position, every pass between one district and another, was occupied by a fort. The garrisons were small, but they were well-provisioned, and behind their walls they were able to keep in check the irregular levies of a whole tribe. As soon as this work was accomplished, all real power of resistance was at an end. The rebels did not dare to leave their homes exposed to the attacks of the garrisons. Scattered and divided, they fell an easy prey to the small but compact force of the Deputy, which marched through the whole breadth of the land, provisioning the forts, and beating down all opposition in its way.

The war was carried on in no gentle manner. Mountjoy was determined that it should be known that the chiefs were without power to protect their people against the Government. He had no scruple as to the means by which this lesson was to be taught. Famine or submission was the only alternative offered. The arrival of an English force in a district was not a temporary evil which could be avoided by skulking for a few weeks in the bogs and forests which covered so large a portion of the surface of the country. Wherever it appeared, the crops were mercilessly destroyed, and the cattle, which formed the chief part of an Irishman's wealth, were driven away. Then, when the work of destruction was completed, the troops moved off, to renew their ravages elsewhere. It is impossible to calculate the numbers which perished under this pitiless mode of warfare. From Cape Clear to the Giant's Causeway, famine reigned supreme. Strange stories were told by the troopers of the scenes which they had witnessed. Sometimes their horses were stabbed by the starving Irish, who were eager to feast upon the carcases. In one place they were shocked by the unburied corpses rotting in the fields. In another, they discovered a band of women who supported a wretched existence

Horrible
character of
the war.

1003.
Submission
of Ireland.

country to submit
Deputy himself
April 8, Tyrone
and with him all resistance
having died at Simancas
Tyrone arrived in Dublin, h
of Elizabeth. The letter a
Ireland on the 5th. With
read it, King James was pro
capital.²

The Deputy had achieved
laid upon him. He had no
more difficult quest

Mountjoy
wishes to
return to
England.

solution. Enormous
he had accomplished
quest into a civilised commu
and thought, and demanded t
different order. He himself
country with the honours which
to others the difficulties which
was drawn in the same direction
bound him to Lord Rich's wife
made to the new sovereign was
his office.³

Before he received an answer
commen

lerable dissatisfaction with the proceedings of the Govern-
 ment. Their grievances were very different from those
 which gave rise to the discontent of the great chiefs
 and their followers. The chiefs knew well that the
 efforts of the Government at Dublin would be exerted in favour
 of their dependents, and that every advantage gained by the
 population over which they ruled, would diminish their own
 excessive and arbitrary power. They hated the English, there-
 fore, with the hatred with which an abolitionist is regarded by
 a slave-owner. But the disaffection which prevailed in Cork
 and Waterford is to be traced to a different origin. It was not
 at the tendencies of the Government were too far advanced for
 the towns, but that they were themselves too far advanced for
 the Government under which they were living. They occupied
 Ireland the same position as that which is now occupied in
 India by the non-official English. The general circumstances
 of the country required a strong executive, and it was necessary
 that the executive should determine questions which were
 absolutely unintelligible to the merchants of the towns. Yet
 though it was impossible to give them that influence over the
 Government of Ireland which was exercised by the citizens of
 London and Plymouth over the Government of England, it was
 inevitable that the weight of the Deputy's rule should press
 heavily upon them.

That the Government should act wisely upon all occasions
 was not to be expected. A blunder which had lately been
 committed, with the most excellent intentions, had
 given rise to well-founded complaints. In order
 to starve out the rebels, it had been proposed that
 the coinage should be debased, and that this debased
 coin should be exchangeable in London for good money by
 those who obtained a certificate of their loyalty from the Irish
 Government. After some hesitation, Elizabeth gave in to this
 scheme. The Irish, or 'harp,' shillings, as they were called,
 had always been worth only ninepence in English money.
 Shillings were now coined which were worth no more than
 treepence. It was supposed that if they fell into the hands of
 rebels, they would be worth no more than their own intrinsic

... payment
the necessity of ol
at Dublin, and of s
would have depreciat
value. But such we
those who wished to
Exchequer, that the c
which it really possess
sidered scheme spread
were made in the ne
unhappy recipients wer
one to accept as twope
received as ninepence.
their expenditure, becau
which would be received
whilst the rebels, against
but little of its effects, the
townsmen, whose trade
the currency.

In addition to the ev
some of the towns compla
were in garrison
immediate neigh
the Government
ports by which foreign sup
country. Garrison

The garri-
sons dis-
agreeable
to the towns.

ut even if the soldiers had been models of order and sobriety, they could not have failed to be disagreeable to the citizens, who knew that, in the presence of an armed force, what liberties they had would wither away, and that their lives and fortunes would be dependent upon the arbitrary will of the Government. The feeling was natural ; but the time was not yet come when their wishes could, with safety, be gratified. The withdrawal of the English troops would have been the signal for general anarchy, in which the citizens of the towns would have been the first to suffer.

To these causes of dissatisfaction was added the religious difficulty. Protestantism had never been able to make much way in Ireland. In large districts the mass of the people were living in a state of heathenism. Wherever there was any religious feeling at all, the people had, almost to a man, retained their ancient faith. Even if other causes had predisposed the Irish to receive the new doctrines, the mere fact that Protestantism had come in under the auspices of the English Government would have been sufficient to mar its prospects. In general, the Irish in the country districts were allowed to do pretty much as they liked ; but in the towns, though the Catholics were permitted to abstain from attending the churches, the churches themselves were in the hands of the Protestant clergy, and the Catholic priests were obliged to perform their functions in private.

The disaffection, which had long been smouldering, broke out into a flame even before the death of Elizabeth. A company of soldiers was ordered to Cork, to assist in building a new fort on the south side of the town. Sir Charles Wilmot and Sir George Thornton, who, in the absence of Sir George Carew, executed the office of President of Munster, sent a warrant to the mayor to lodge them in the city. The mayor was induced by the recorder, John Mead, a great opponent of the English, to shut the gates in their faces. The soldiers succeeded in forcing their way into the city, but were compelled to pass the night in a church. In reporting these occurrences to the President, the Commissioners had to add that the corporation had torn down the proclamation

Disputes
between the
corporation
and the
soldiers.

...hesitation, pu
accession of the
to Mountjoy, con
of the soldiers a
guarded the ent
harbour. He requested that
care of the corporation. A fe
the restoration of two piec
carried to Haulbowline witho
threatened that, unless thei
them, neither munitions nor
fort. The garrison agreed to
that two others which were lyi
undoubtedly the property of th
in exchange. At first the ma
garrison, refused ; but upon
from Kinsale, the exchange was

Meanwhile Mead was doing
bouring cities to make a stand
for the restoration of t
At Cork, on Good Fri
once more through th
were accompanied by the mayor
of the principal citizens. In the
men scourging themselves.⁴ At

Proposed
league be-
tween the
towns.

Books of Common Prayer were brought out of the cathedral and burnt. At Limerick, Wexford, and Kilkenny mass was openly celebrated in the churches.

The magistrates of these towns felt that they were not strong enough to carry out the undertaking which they had commenced. They accordingly wrote to the Deputy, excusing themselves for what had been done.¹

Mountjoy was by no means pleased with the work before him. He wrote to Cecil that he was determined to march at once against the towns, but that he knew that if they resisted he should have great difficulty in reducing them. His army could only subsist upon supplies from England, and he had never been worse provided than he was at that moment. He had in his time 'gone through many difficulties,' and he hoped to be able 'to make a shift with this.' The condition of the currency was causing universal discontent; the base money was everywhere refused. He knew 'no way to make it current' where he was 'but the cannon.' He hoped soon to be relieved of his charge. He had 'done the rough work, and some other must polish it.'²

The Deputy left Dublin on the 27th. He took with him eleven hundred men. On the 29th he was met by the Earl of

Ormond. At the same time, the chief magistrate of Kilkenny came to make his submission, and to attribute the misconduct of the citizens to the persuasions of Dr. White, a young priest from Waterford.

The Deputy pardoned the town, and passed on to Waterford. On May 1 he encamped within three miles of the city. He was met by a deputation demanding toleration, and requesting him not to enter the town with a larger number of soldiers than the magistrates should agree to admit. In support of this request, they produced a charter granted to them by King John. The clause upon which they relied granted it as a privilege to the town of Waterford, that the Deputy should not, without

ordinary Protestant. He takes care to mention that the scourgers did not strike themselves too hard.

¹ Mountjoy to Cecil, April 26, *Irish Cal.* i. 40.

² Mountjoy to Cecil, April 25, *ibid.* i. 38.

question, whether it was lawful to
 for the sake of religion. On
 Mountjoy replied in language w
 our ears, but which in those da
 with which thousands of Englishm
 long struggle with Rome. "My n
 of descent an absolute King, sub
 upon earth, and if it be lawful for
 to raise arms against him, and de
 thority, he is not then an absolute
carium imperium. This is our
 England."

In the evening the gates were
 delivered to the marshal
 who had been a principal
 ances ; but even he was pa
 of his fellow-townsmen.¹

Wexford submitted, upon a letter
 Charles Wilmot, hurrying up to Cork
 Limerick on his way.² F
 was unsatisfactory. On
 covered that Wilmot was intending to
 the King's munitions which were wi
 ensued, and the officers in charge of
 prison. The

Submission
 of Water-
 ford.

Disturbance
 at Cork.

soon, however, as the townsmen began firing at them, it was impossible to restrain them any longer. Discipline asserted its power, and the citizens were driven headlong into the town.¹ Wilmot and Thornton threw themselves into the Bishop's house, where they awaited the Deputy's arrival. Whilst there they were exposed to the fire from the guns of the city, but no great damage was done.

On Mountjoy's arrival, the city immediately submitted.² All resistance in this ill-calculated movement was at an end. The rebels were treated with leniency. Three only Submission of Cork. of the leaders were executed by martial law. Mead, the principal instigator of the rebellion, was reserved for trial. If, however, Mountjoy expected that the most convincing evidence could obtain a conviction from an Irish jury, he was mistaken. At the trial, which took place at Youghal in the following December, the prisoner was acquitted. The jurymen were summoned before the Castle Chamber at Dublin, the Court which answered to the English Star Chamber, and were heavily fined. They were forced to appear at the sessions which were being held at Drogheda with papers round their heads, which stated that they had been guilty of perjury. This exhibition was to be repeated at the next sessions held at Cork amongst their friends and neighbours. They were also condemned to imprisonment during the pleasure of the Government.³

His work being thus successfully brought to a conclusion, Mountjoy received permission to leave his post. On his arrival Mountjoy's return. in England, he was created Earl of Devonshire, and admitted to the Privy Council. As a special reward for his services, he obtained the honorary title of Lord-Lieutenant of Ireland, to which a considerable revenue was attached. During the few remaining years of his life, he continued to de-

¹ Walley to Carew, May 6, *Irish Cal.* i. 55. Lady Carew, who was in the neighbourhood, showed no signs of timidity. She began a letter to her husband with these words, "Here is great wars with Cork, and I am not afraid," May 5, 1603, *S. P. Irel.* 54.

² Mayor of Cork to Cecil, May 26, *Irish Cal.* i. 67.

³ *Harl. MSS.* 3544. Carey to Cecil, April 26, 1604, *Irish Cal.* i. 240.

vote much attention to the affairs of Ireland, and carried on a constant correspondence with the Deputies who succeeded him. His last years were not happy. Shortly after his arrival in England, Lady Rich left her husband, and declared that Devonshire was the father of her five children. Upon this Lord Rich obtained a divorce, and on December 26, 1605, she was married to the Earl of Devonshire by his chaplain, William Laud, who was afterwards destined to an unhappy celebrity in English history. The validity of the marriage was exceedingly doubtful,¹ and Devonshire himself only survived it a few months.

The post of Deputy was at first given to Sir George Carey, who had held the office of Treasurer-at-War. He, too, was anxious to return to England, and it is not unlikely that his appointment was only intended to be of a temporary nature. One great reform marked the short term of his office. No sooner was he installed than he pressed the English Government to put an end to the miseries unavoidably connected with the depreciation of the currency.² At first, half-measures were tried. Orders were given to the Warden of the Mint to coin shillings which were to be worth ninepence, whilst their nominal value was to be twelvepence. The old base shillings, which in reality were worth only threepence, were expected to pass for fourpence.³ Against these proceedings Carey immediately protested.⁴ He was allowed to have his way. The new Irish shillings were declared by proclamation to be exchangeable, as they had originally been, for ninepence of the English standard.⁵ It was not, however, till the autumn of the next year that the base

Sir George
Carey
appointed
Deputy.

The currency
restored.

¹ The Ecclesiastical Courts only pronounced divorces *a mensa et thoro* for adultery, and parties so divorced were prohibited by the 107th Canon from remarrying. The decree of the Star Chamber in the case of *Rye v. Fuljambe* (Moore, 683) was on the same side of the question. On the other hand Parliament had refused to consider such remarriages as felony (1 Jac. I. cap. 2).

² Carey and Irish Council to the Council, June 4, *Irish Cal.* i. 71.

³ Proclamation, Oct. 11, *ibid.* i. 146.

⁴ Carey to Cecil, Oct. 14, *ibid.* i. 149.

⁵ Proclamation, Dec. 3, *ibid.* i. 170.

money was finally declared to be exchangeable at no more than its true value.¹

At last Carey obtained the object of his wishes. In July 1604, leave of absence was granted him, which was followed, in October, by his permanent recall.²

The man who was selected to succeed him was Sir Arthur Chichester. A better choice could not have been made. He possessed that most useful of all gifts for one who is called to be a ruler of men—the tact which enabled him to see at once the limits which were imposed upon the execution of his most cherished schemes, by the character and prejudices of those with whom he had to deal. In addition to his great practical ability, he was supported by an energy which was sufficient to carry him through even the entangled web of Irish politics. Whatever work was set before him, he threw his whole soul into it. He would have been as ready, at his Sovereign's command, to guard an outpost as to rule an empire. He had already distinguished himself in the war which had just been brought to a conclusion. At an earlier period of his life, he had commanded a ship in the great battle with the Armada, and had served under Drake in his last voyage to the Indies. He took part in the expedition to Cadiz, and had served in France, where he received the honour of knighthood from the hands of Henry IV. Shortly afterwards, when he was in command of a company in the garrison of Ostend, Elizabeth, at Cecil's recommendation, gave him an appointment in Ireland. Mountjoy, who knew his worth, made him Major-General of the Army, and gave him the governorship of Carrickfergus, from whence he was able to keep in submission the whole of the surrounding country. The King's letter,³ appointing Chichester to the vacant office, was dated on October 15, 1604. Stormy weather detained the bearer of his

Appoint-
ment of
Chichester
as Carey's
successor.

¹ Note in Cecil's hand to the 'Memorials for Ireland,' Aug. 20, 1604, *S. P. Irel.* 324.

² The King to Carey, July 16. The King to Carey and the Irish Council, Oct. 15, *Irish Cal.* i. 295, 361.

³ *Account of Sir A. Chichester*, by Sir Faithful Fortescue. Printed for private circulation, 1858.

...once the importance
folly, he wrote a few months later
search of colonies in Virginia or
lying desolate. The reformation
country would, in his opinion, be a
than if he could lead his armies and
reduce the whole of France to subje

The difficulties under which Irish
rather than political. The institution
of the soil was held in
which the greater part of
or other been possessed.
possession of an uninhabited
consider the land which the
of the tribe. Private property in the
A considerable part of the population
means of the cattle which wander free
ture-land of the tribe, and those who
agriculture have no difficulty in finding
plough. As long as land is plentiful
to the agriculturist to be freed from it
When the soil has become exhausted
him better to move on, and to make
population increase

Social con-
dition of
Ireland.

Theory of
landed
property.

favoured by the chiefs, held land with full proprietary rights. But the bulk of the lands were held under a form of territorial communism, which was known to English lawyers by the ill-chosen name of the Irish custom of gavelkind. Upon the death of any holder of land, the chief of the sept was empowered, not merely to divide the inheritance equally amongst his sons, as in the English custom of gavelkind, but to make a fresh division of the lands of the whole tribe. Such a custom excited the astonishment of English lawyers, and has ever since caused great perplexity to all who have attempted to account for it. In all probability, it was but seldom put in practice. The anarchy which prevailed must have stood in the way of any appreciable increase of the population, and when land was plentiful, the temptation to avail themselves of the custom can hardly ever have presented itself to the members of the sept. Meanwhile the tradition of its existence kept up the memory of the principle that land belonged to the sept, and not to the individuals who composed it.

When, therefore, the judges pronounced that the custom was barbarous and absurd, and contrary to the common law of England,¹ which was now declared to be law over the whole of Ireland, they put the finishing stroke to a system which the Irish were attached to by ties of habit, though it is possible that by judicious treatment they might have been easily persuaded to abandon it.

Such a change, indeed, rooted as the old system was in the habits of the people, required the utmost delicacy of treatment.

The difficulty which Chichester was called upon to confront was considerably increased by the connection which existed between the tenure of land and the political institutions of the septs. Originally, no doubt, the power of the chief was extremely limited ; but limited as it might be, it was necessary that he should be a man of full age, in order to preside over the assembly of the sept and to lead its forces in the field. In Ireland, as in other parts of the world, an attachment was formed in each tribe to one family ;

The Irish custom of gavelkind.

It is condemned by the judges.

The septs and the chiefs.

¹ Davies' Reports. Hil. 3 Jac.

ative of the sept. In process of
'The active and daring gathered
body-guard. The condition of the
the English peasant before the Normans
and worse. At the beginning of the 12th century
still held the theory that the land was
Little, however, of the small amount
possessed consisted of cultivated land
over the wide pasture-lands of the
worthless cattle were valuable. In the
hands of the chief who captured the
out to those whom he might favor
them, who 'took stock' of him, as then
to him as a vassal in feudal Europe.
They were under obligation to supply
him a certain rent in cattle or money
no right to anything more than to cultivate
practice everything depended upon the
and his arbitrary exactions appeared as
customs, and obtained regular names
name of coigne and livery, the chief
occupier of the land support for as much
chose to bring with him. But, oppressed
it was as nothing to the unrecognised
continually occurring

The English Government had long been alive to the importance of the alteration required. In 1570 an Act had been passed, establishing a form by which Irish lords might surrender their lands, and receive them back to be held under English tenure. In many cases this permission had been acted upon. In other cases lands forfeited by rebellion had been regranted, either to English colonists or to loyal Irishmen. In every case the grants were made only upon condition that the new lord of the soil should assign freeholds to a certain number of cultivators, reserving to himself a stipulated rent. By this transaction each party profited. The new lord of the manor lost, indeed, with his independent position, the privilege of robbing his followers at pleasure; but, under the old system, the property of his followers must have been extremely small, and, with the increasing influence of the English Government, his chances of being able to carry out that system much longer were greatly diminished. In return for these concessions, he gained a certainty of possession, both over the rents, which would now be paid with regularity, and over the large domains which were left in his own hands, and which would become more valuable with the growing improvement in the condition of the surrounding population. Above all, he would be able to leave his property to his children. The new freeholders would gain in every way by the conversion of an uncertain into a secure tenure. The weak point in the arrangement lay in the omission to give proprietary rights to every member of the sept, so as to compensate for his share of the tribal ownership, of which he was deprived. The precaution of building up a new system on the foundations of the old, was precisely that saving virtue which the men of the seventeenth century were likely to neglect.

It was indeed with no ill-will to the natives that the English Government was animated. Even those who set in motion the rule of the Council-table and the Castle Chamber were by no means desirous to extend unnecessarily the functions of the central Government. They wished that Ireland should become the sister of England, not her servant. The two countries were to be one,

The Govern-
ment anxious
to abolish
tanistry,

and to ex-
tend the
privileges of
the English
Constitution.

which they had themselves
saw any prospect of con-
propriators, they were a
ministration of the cour-
holders were to furnish
members of Parliament.
functions for which they
mistake was one upon the

During the reign of El-

Progress during the
reign of Elizabeth.
siderable progress had been
upon his office,
a settled and o-

1604, assizes had
province, and it was found
were able to despatch busin-

Condition of
Leinster, condition in Engl-

were exceptions
counties of Carlow and We-
eighty or a hundred armed
themselves and a market

Cavanaghs and the Byrnes.
Tooles, still possessed, after t
which is now known as the
that time had not yet been ma-

In Munster there

vigour, who, though at times apt unnecessarily to provoke opposition, succeeded in maintaining good order in the province.

Connaught was, fortunately, in the hands of a nobleman who, like the Earl of Thomond in Clare, was wise enough to see where the true interests of himself and of his country lay. The Earl of Clanrickard was the descendant of the Norman family of the Burkes or the De Burghs, which had been counted during the Middle Ages amongst the degenerate English. At an early age he had attached himself to the Government, and had remained constant during the years when the tide of rebellion swept over his patrimony, and seemed to offer him the fairest prospect of obtaining an independent sovereignty. He was now invested with the office of President of his own province. He exercised the whole civil and military authority in Connaught, but in the spirit of a dependent prince rather than in that of a subordinate officer. The Deputy was contented to know that things were going on well in that distant province, and prudently refrained from exercising a constant supervision over the acts of the President.

If Chichester could look upon the condition of Connaught with complacency, it was far otherwise with regard to Ulster.

It was difficult to say how civilisation was to be introduced into the northern province as long as barbarism was under the protection of the two great houses of the

O'Neills and the O'Donnells. The head of the O'Neills, the Earl of Tyrone, had submitted on condition of receiving back his lands, with the exception of certain portions which were to be held by two of his kinsmen.¹ The

last O'Donnell had died in exile, and his earldom of Tyrconnell was disputed between his brother Rory and Neill Garve O'Donnell, a more distant relative. The latter had taken the title of The O'Donnell, which was looked upon as a sign of defection from the English Crown. The progress

¹ Henry Oge O'Neill and Tirlogh McHenry. Note by Mountjoy, April 8, 1603, *Irish Cal.* i. 16. Three hundred acres were also reserved for the fort at Charlemont, and the same quantity for the fort of Mountjoy.

The position which was occupied by the two earls could not long continue. They were not strong enough to be independent, and they were too proud to be subjects. It was only a question of time when the inevitable quarrel between them and the Government would break out. When Tyrone returned from England, he found that the cultivators of the land would no longer submit to the treatment which they had borne in silence for so many years.

Position of
the earls
upon their
return.

As soon as he attempted to renew his old extortions, a number of them fled for refuge to the protection of the English Government. Upon hearing what had happened, he demanded their surrender. He was told that they were not his bondmen or villains, but the King's free subjects.¹ It was by his own choice that

1604.
The Govern-
ment refuses
to surrender
Tyrone's
tenants.

he held back from holding his land by English tenure, and giving himself fixed rights over his tenants. He must take the consequences if they refused to submit to his irregular and exorbitant demands.

Another question between the great Earl and the Government arose from his refusal to allow the appointment of a sheriff in his county, as he justly regarded such a measure as the first step towards superseding his own rule by regular justice. At the same time, it must be allowed that he showed some activity in repressing thieves. He even went so far as to hang a nephew of his own.²

He declines
to admit a
sheriff in
Tyrone.

In Donegal, Neill Garve was still master of the whole county in the spring of 1604. The new earl was lying quiet within the Pale, 'very meanly followed.' In Fermanagh, open war was raging between two of the Maguires, who were equally discontented with the share of land which had lately been allotted to them.

Neill Garve
in Donegal.

The Ma-
guires in
Fermanagh.

The military force upon which Chichester could rely was not large. Ireland was a heavy drain upon the English Treasury, and, with peace, the army had been considerably reduced. The proportions in which these troops were allotted to the different provinces, show plainly

The army in
Ireland.

¹ Davies to Cecil, April 19, 1604, *Irish Cal.* i. 236.

² Chichester to Cecil, June 8, 1604, *ibid.* i. 279.

in the south of Leinster. Fifteen hundred were posted in Ulster was girdled round from the Channel, to Ballyshannon on the North of Ireland was held.

In carrying out his plans the Council, composed of persons who

either in a civil or in a military

The Council. active and industrious

duties; but none of them were more

an intelligent mediocrity. The

whom he could rely, was the new

Sir John Davies. He had arrived

Davies. of 1603, and had at once

into the work of civilising the country

was undoubted, and his great power

him at once to master the difficulties

The most graphic accounts which

the time of his residence in the country

correspondence. He was indefatigable

more than any of the more highly

tributed to the decisions which were

political questions which were

his great powers were seriously in

defect.

than when a larger improvement is imposed by force. He was capable of becoming an excellent instrument in the hands of such a man as Chichester ; but it might safely be predicted that if ever he should be able to induce the English Government to adopt a policy of his own, the most disastrous consequences would ensue.

Chichester had taken formal possession of his office on February 3, 1605. On the 20th he notified, by the issue of two proclamations, that the Deputy's sword had not fallen into sluggish hands.¹ The first began by reciting the abuses committed by the Commissioners for executing Martial Law, and by revoking the greater number of such commissions. The other proclamation was of far greater importance. Carey had issued an order for a general disarmament, by which alone it would be possible to maintain peace for any length of time. He had ordered that persons travelling on horseback should carry nothing more than a single sword, and that persons travelling on foot should carry no arms at all. But Carey had allowed his directions to remain a dead letter, excepting in Connaught where they had been enforced by Clanrickard.² Chichester now repeated these directions, and ordered that all who contravened them should be imprisoned, and their arms brought to the commander of the nearest fort. In order to interest the commanders in the seizure, it was added that they should be rewarded with half the value of the confiscated arms. Exceptions were made in favour of gentlemen of the Pale and their servants, of merchants following their trade, of known householders within the Pale, and, finally, of any loyal subject who might receive special permission to carry arms.

March 11. These proclamations were shortly followed by another setting forth the principles upon which the government was to be carried on.³

Full pardon was at once granted for all acts committed

¹ Proclamations, Feb. 20, 1605, *Irish Cal.* i. 433, 434.

² Davies to Cecil, April 19, 1604, *ibid.* i. 236.

³ Proclamation, March 11, 1605, *ibid.* i. 448.

1605.
The proclamation for the cessation of martial law, and for a general disarmament.

and of pro-
tection to
the poor.

policy of t
population.

poor person
them and theirs from
exactions of the chi
counties wherein they
and violence of all she
officers, ministers, and
tend to have, any jurisc
and that as they are all
His Majesty have an
govern them all by or
persons.'

Coming to particular
abuses which prevailed.

Tenants to
be admitted
to their full
rights.

gentlemen had
held by the Eng
long phrases, as
ments. These phrases ha
as giving them full power ov
to treat men whose ancesto
land for generations, as if
tenants-at-will. Another g
ceived their lands back afte
ing their tenants mentioned

tention of the grants. He also adverted to the arbitrary exactions which were levied, under various high-sounding names, by the Irish lords. He declared that they were nothing better than an organised system of robbery. He told the lords that these proceedings were illegal, and he enjoined upon them to let their lands at fixed rents.

Arbitrary
exactions
to cease.

Another source of complaint was that the lords still retained powers in their hands which were inconsistent with the establishment of a settled government. It was therefore necessary to inform them that they were no longer to have the power of arresting their tenants for debt, or for any other cause, unless they were provided with a lawful warrant issued by the ordinary ministers of justice. They were not to levy fines on their tenants, excepting in such ways as the law allowed, nor to remove their tenants from one place to another against their will, nor to treat them otherwise than as freemen.

None but
the legal
redress of
injuries to be
permitted.

The proclamation then proceeded to sum up the whole substance of the English policy in the following words :—‘ To the end the said poor tenants and inhabitants, and every’ one ‘ of them, may from henceforth know and understand that free estate and condition wherein they were born, and wherein from henceforth they shall all be continued and maintained, we do by this present proclamation, in His Majesty’s name, declare and publish, that they and every’ one ‘ of them, their wives and children, are the free, natural, and immediate subjects of His Majesty, and are not to be reputed or called the natives,¹ or natural followers of any other lord or chieftain whatsoever, and that they, and every’ one ‘ of them, ought to depend wholly and immediately upon His Majesty, who is both able and willing to protect them, and not upon any other inferior lord or lords, and that they may and shall from henceforth rest assured that no person or persons whatsoever, by reason of any chieffy or seignory, or by colour of any custom, use, or prescription, hath, or ought to have, any interest in the bodies or goods of them, or any of

All Irishmen
are immedi-
ate subjects
of the
Crown.

¹ *i.e.* serfs.

it seem good to his princely
said subjects, if he shall deser
great and mighty a person as
said lords. Howbeit we do,
and publish unto all and eve
ferior subjects, that it is not f
to protect or maintain them,
demeanour or insolent carriage
is His Majesty's express pleas
said tenants and meaner sort o
duty of allegiance to His Majes
such respects and duties as b
said lords, according to their sev
and allowed unto them by the la

The Deputy knew well that
to carry out the noble
Chichester goes into at heart. He accordin
Ulster. into Ulster, accompani
of the judges.

At Armagh, he per
His pro- chieftain in that part o
ceedings at Armagh, land, and to receive
condition of making freeholders.

At Dungannon, he succeeded in inducing Tyrone to create his younger sons freeholders. He was soon besieged with petitions from the gentlemen of the county, requesting him to settle their differences with the earl. They desired to have their property completely in their own hands, and asserted that they had been freeholders beyond the memory of man. Tyrone, who took a different view of Irish tenure, declared that the whole country belonged to him. Chichester, perhaps to avoid giving offence to either party, told them that he had no time to consider the question then, but took care to order that the land should remain in the possession of the occupiers until his decision was given. From Dungannon he passed on to Lifford, where he persuaded the Earl of Tyrconnell and Neill Garve to submit their claims to his arbitration. To Neill Garve he assigned land to the extent of nearly thirteen thousand acres; the rest of the county was awarded to the earl. One exception was made. The Deputy was particularly struck with the situation of Lifford, and reserved it, not without giving umbrage to Tyrconnell,¹ for the purpose of establishing a colony there. The colony was to be composed of English and Scotch, and was to have attached to it a sufficient quantity of land to support the settlers, in order that they might not be dependent upon trade. Chichester was also successful in persuading Tyrconnell to create freeholders on his lands. Sir Cahir O'Dogherty, the most important of the lords dependent upon the earl, consented to adopt the same course in his own country in the peninsula of Innishowen.

Besides the use which he made of his time in gaining over the great men of the North to accept the new order of things, the Deputy was active in inspecting the condition of the fortifications at the different forts, and in holding assizes at the chief towns through which he passed.

Upon his return, Chichester sent a detailed report of his proceedings to the Government. He considered that he had

¹ Tyrconnell to Salisbury, [Sept. 30], *Irish Cal.* i. 539.

equal justice between rich and poor. The lands which were at his disposal were, however, liable to the temptations of the moment. What occurred to him was the advantage to the colonists. The abbey lands would put it into his power of alienating the property of a sin.

On his return to Dublin he called to a very different state of affairs than the late reign. In the late reign no toleration was given to the Irish Catholics. There was indeed a fine of one shilling for absence from church, but the greater part of the country was in the hands of fresh enemies where it could not be enforced with difficulty, had prevented the law from being put in force. It was made to enforce the fine, but it was greatly to the annoyance of the government that God's judgments would be allowed to exist unchecked.

¹ Chichester and the Irish Catholics, i. 538.



the whole island, a temptation was offered to those in power to avail themselves of the means which were in their hands to enforce attendance upon the services. They had a strong feeling of the benefits which would result if the Irish could be induced to accept the religion under which England had grown in moral stature, and they had no idea of the evils which attended the promulgation of truth itself by the strong hand of power.

The strength of the old faith lay chiefly with the upper classes of the principal towns, and with the inhabitants of the more civilised country districts. All those who would under a less centralised government have taken part in the administration of affairs, clung to the tenets of their ancestors as a symbol of resistance to foreign domination. In the wilder parts of the country that domination was rapidly becoming a blessing to the mass of the population, which was only loosely attached to any religious system at all; yet it may well be doubted whether the impressionable Irish Celt would ever have been brought to content himself with the sober religious forms which have proved too sober for considerable bodies of Englishmen.

Such a doubt was not likely to make itself heard at the beginning of the seventeenth century. Shortly after the accession of James, rumours reached Ireland that he intended to grant a general toleration. The Archbishop of Dublin and the Bishop of Meath immediately wrote to the King, protesting against such a measure, and entreating him to put some check upon the priests, to send over good preachers, and to compel the people to come to church.¹

James, who, at the beginning of his reign, had suspended the action of the Recusancy laws in England, took no notice of the first and last of these requests, but signified his intention of planting a learned ministry in Ireland. It was certainly time that something should be done. Excepting in the towns, scarcely anything worthy of the name

¹ The Archbishop of Dublin and the Bishop of Meath to the King, June 4, 1603, *Irish Cal.* i. 70.

of a church existed, and in the towns the preachers almost universally failed in obtaining even a hearing.¹ In the country the condition of the Church was deplorable. It was generally believed that the majority of the clergy were unable even to read. During the times of anarchy, the livings had fallen into an evil plight. It frequently happened that the patrons took possession of a large part of the income of the benefice, whilst they nominated, for form's sake, some illiterate person to the vacant post. This nominee usually agreed before his institution that he would be content with a mere fraction of his nominal income. Cases were known in which grooms and horse-boys held two or three benefices a-piece. Nor was this the worst. Even bishops, who should have stemmed the tide of corruption, took part in it themselves. Foremost in the ranks of these episcopal pluralists stood the Archbishop of Cashel. In addition to his archiepiscopal see, he held three bishoprics and seventy-seven other benefices. The infamous sale of promotions which took place in his diocese became afterwards the subject of a special inquiry. Hundreds of churches were lying in ruins over the whole of Ireland. In hundreds of parishes no divine service was ever celebrated, no sacrament administered, no Christian assemblies held of any kind. Here and there, to the disgust of the Government, a few benefices were in the hands of Jesuits, and the Papal Nuncio obtained an annual income of forty or fifty pounds from a living which he held within the Pale.² But these were exceptions. As a rule, heathenism would have settled down over the whole face of the country if it had not been for the ministrations of the Catholic priests.

On his way to the North in the course of his first progress, Chichester found the Cathedral at Armagh in ruins.
1605. Chichester's proceedings at Armagh. There were dignitaries of various kinds, but all of them had received ordination from the Church of Rome, and held their posts in virtue of commissions from the

¹ The Archbishop of Dublin and the Bishop of Meath to the Council, March 5, 1604, *Irish Cal.* i. 223.

² Davies to Cecil, February 20, 1604. Justice Saxey's Discourse [1604], *ibid.* i. 213, 397.

Pope. They refused to use the English service. There was attached to the church a college for twelve vicars choral, endowed with tithes, but its revenues had been confiscated by the dean without any lawful authority. It happened that the Archbishop, who rarely visited his diocese, was in the Deputy's company. Chichester ordered him to provide a minister for the place, and directed that he should himself reside in Armagh for at least three or four months in the year. The tithes which had been so scandalously embezzled were, for the present, to be employed in maintaining poor scholars at the College in Dublin, till a sufficient number of educated men were provided for the service of the Church.

As soon as he had reached Dublin, the Deputy found that James had determined to make an attempt to drive the recusants to church. On July 4, a proclamation had been issued by the King himself, commanding all persons in Ireland to repair to their several churches, and directing that all priests who remained in the country after December 10 should be banished.¹ Directions were also given, that all the judges were to attend the Protestant services.

The Deputy, whose ideas on religious liberty were like those of the mass of his contemporaries, prepared to carry out his instructions. He sent for Sir John Everard, the only one of the judges who refused to conform, and entreated him to give way, offering to allow him as much time for consideration as he wished for. After the lapse of a year, as he still refused to comply, he was finally removed from his post.²

Against the recusants in general, the Deputy was furnished with fewer weapons than those which were at the disposal of the Government in England. No Irish Act of Parliament existed which authorised the exaction of more than a shilling for every absence from church. Unhappily an idea occurred, either to Chichester or to some of his

Proclamation to enforce the Recusancy Act.

Sir J. Everard removed from the Bench.

Difficulty in dealing with the Irish recusants.

¹ Proclamation, *Irish Cal.* i. 513.

² Chichester and the Irish Council to the Council, Oct. 5. Davies to Salisbury, Dec. 5, 1606, *ibid.* i. 554, ii. 69.

advisers,¹ by which he hoped to be able to supplement the deficiency of the law. The elastic powers of the Castle Chamber might be stretched to cover a less urgent case. Chichester had set his heart upon the improvement of Ireland, and he was firmly convinced that, without the spread of Protestantism, all his efforts would be in vain, and he was too much in earnest to wait for the operation of time. The shilling fine indeed might drive the poor into submission, but it was ridiculous to expect that it would have much effect upon a wealthy merchant or shopkeeper. It was therefore necessary that stronger measures should at once be taken.

In the course of the month of October, the aldermen and several of the chief citizens of Dublin were summoned before the Council. The Deputy distinctly disclaimed any desire to force their consciences. To change the faith of any person was the work of God alone. But the matter now before them was not a question of conscience at all. He merely asked them to sit in a certain place for a certain time. They were only required to listen to a sermon. They need not profess assent to the doctrines which they heard. It was a mere question of obedience to the law.

It was all in vain. With one voice they told the Deputy that they could not with a clear conscience obey the King in this point.² Accordingly, on November 13, formal mandates were served upon them, commanding them to attend church on the following Sunday.³ They disobeyed the order, and sixteen of them were summoned before the Castle Chamber on the 22nd. Of the proceedings on this occasion, all that has come down to us is a speech delivered by one of the King's Counsel, whose name is not given. In this speech the claims of the civil power to obedience were put forward in the most offensive way. After a long argument in favour of the King's jurisdiction in

¹ It was certainly supported by Davies. Davies to Salisbury, Dec. (?), 1605, *Irish Cal.* i. 603. It looks very like one of his suggestions.

² Fenton to Salisbury, Oct. 26, *ibid.* i. 565.

³ Mandate, Nov. 13, *ibid.* i. 573.

ecclesiastical matters, the speaker proceeded with the following extraordinary remarks :—"Can the King," he asked, "make bishops, and give episcopal jurisdictions, and cannot he command the people to obey that authority which himself hath given? Can he command the bishop to admit a clerk to a benefice, and cannot he command his parishioners to come and hear him? . . . The King commands a man to take the order of knighthood. If he refuse it, he shall be fined, for it is for the service of the commonwealth. Can the King command a man to serve the commonwealth, and cannot he command him to serve God?"¹

Before the proceedings were brought to a close, Chichester discovered that they were likely to awaken greater resistance than he had expected. The principal lords and

Petition presented by the lords and gentlemen of the Pale. gentlemen of the Pale appeared before the Court with a petition in which, after protesting their

loyalty, they begged that the execution of the King's proclamation might be deferred until they had informed His Majesty of the injustice to which they were subjected.²

Sentence was pronounced upon nine of those who had been summoned before the Court. Those of them who were

Sentence of the Castle Chamber. aldermen were each to pay a fine of one hundred pounds; the others escaped with a payment of half that sum.³ Chichester, who was afraid lest he should

be accused of having set these prosecutions on foot for the purpose of replenishing the Exchequer, directed that the fines should be expended upon the repairing of churches and bridges, and other works of public utility.⁴ A few weeks later the remainder of the sixteen were sentenced to similar fines, with the exception of one of the aldermen, who promised to come to church.

¹ Speech of Council, Nov. 22, *Irish Cal.* i. 579.

² Petition enclosed by Chichester to Salisbury, Dec. 7, 1605, *ibid.* i. 593.

³ Decree of the Castle Chamber, Nov. 22, *ibid.* i. 604. In the course of the trial Salisbury's letter arrived, giving an account of the discovery of the Gunpowder Plot. Chichester read the letter in the presence of a large concourse of people who had assembled to watch the proceedings.

⁴ Chichester to Salisbury, Oct. 29, *ibid.* i. 567.

The immediate result of these proceedings appeared to be satisfactory. The parish churches were better attended than they had been for many years.¹ The Deputy felt himself strong enough to imprison some of those who had been most forward in preparing the petition. Those who asked pardon were soon set at liberty; but one or two, who showed no signs of contrition, were retained in confinement. Upon this the petitioners forwarded their complaints to Salisbury. The Castle Chamber, they asserted, never before had been used as a spiritual consistory.² Before this letter could reach England, Sir Patrick Barnwall, who was believed to have been the contriver of the petition, was summoned before the Council. After a warm altercation with the Lord Deputy, Barnwall was committed to prison. "Well," said the prisoner, "we must endure, as we have endured many things." "What mean you by that?" asked Chichester. "We have endured," replied Barnwall, "the late war and other calamities besides." The Lord Deputy lost all patience. "You!" he cried, "endured the misery of the late war? No, sir, we have endured the misery of the war; we have lost our blood and our friends, and have, indeed, endured extreme miseries to suppress the late rebellion, whereof your priests, for whom you make petition, and your wicked religion, was the principal cause." Barnwall was at once ordered off to prison.³ It was an easy way to close a controversy which threatened to be endless. Ultimately Barnwall was sent to England, to tell his own story to the Government.⁴

The citizens who had been fined resorted to tactics which never fail to irritate a Government bent upon carrying out unpopular measures. On the plea that the Castle Chamber had exceeded its jurisdiction, they all refused to pay the fines, or to admit into their houses the officers who came for the purpose of collecting the money. Orders were given that the doors of two of the mal-

¹ Chichester and the Irish Council to the Council, Dec. 5, *Irish Cal.* i. 588.

² Chichester to Salisbury, Dec. 9, *ibid.* i. 600.

³ Davies to Salisbury, Dec., *ibid.* i. 603.

⁴ Chichester to Salisbury, April 25, 1606, *ibid.* i. 709.

contents should be broken open. Next morning all Dublin was full of stories of the violent proceedings of the officers to whom this commission had been entrusted. Doors had been broken open, the privacy of families had been violated, and women and children had been terrified by this unseemly intrusion.

The next step was the empannelment of the jury which was to value the property to be seized in payment of the fines. The owners hoped to baffle the Government by making all their property over, by deeds of gift, to persons of their own selection. To make matters more sure, they had been at the pains to antedate their deeds by six months. In ordinary times these deeds would at once have been set aside as fraudulent; but such was the indignation felt by the whole city, that the jury gave in a verdict to the effect that no property existed which could be touched by the Crown. The Government had recourse to its usual remedy: both the persons who had given and those who had accepted the deeds of gift were cited before the Castle Chamber, where the documents were pronounced to be fraudulent and void, and the fines were at once levied.

Not content with bringing the richer citizens into court, Chichester determined to make an attempt, by means of the shilling fine, to force the poorer inhabitants of Dublin to attend church. Indictments were accordingly served upon four hundred persons. Of these, one hundred and sixty-nine were not forthcoming in court. Of the remainder, eighty-eight conformed, whilst the number of those who refused to submit, and were sentenced to pay a fine, was one hundred and forty-three.¹

In Munster, an attempt was made to carry out similar measures. In most of the towns, many of the poorer inhabitants were compelled to pay the shilling fine. Verdicts of this kind were generally obtained only by threatening the jury with the terrors of the Castle Chamber. The richer citizens were summoned at once before the President and his Council, and were heavily fined. Some

¹ Chichester and the Irish Council to the Council, with enclosures, March 7. Davies to Salisbury, Feb., *Irish Cal.* i. 648, 661.

1606.
Similar
proceedings
in Munster.

... the Castle C.
feeling prevailing in the
of spies, from all parts o
that his measures, instea
had evoked a spirit wh
resistance, if the country
the results of the late v
siderably reduced, and, in
to provide for keeping ord
numbers of a single mo
began to discover that th
than those which had be
In June he wrote to the
chance of prevailing with tl
thought that the young an
best hope of success was t
the children.⁴

In the meanwhile Barn
committed to the Tower. C

July 3. requested the Ir
The Council ceedings in issui
asks for an explanation. compel men to c
was, after a long delay, sent

⁴ The Council + C...

perhaps, the most curious monument which exists of the sentiments with which the question was regarded by men of the world in that age.

They began by treating the refusal of the aldermen to attend church as an act of disrespect to the Deputy, and to the

Dec. 1. Sovereign whose authority he bore, and argued that,
 Reply of even if there were anything in attendance upon
 the Irish Council. Divine worship which did not properly come within
 the notice of the civil authorities, they had certainly a right to
 inflict punishment for disrespect to the King.

"And if," they continued, "it should be admitted to be an ecclesiastical action, by reason that the circumstances are ecclesiastical, yet the King, being Supreme Head in causes as well ecclesiastical as civil, his regal power and prerogative do extend as large as doth his supremacy. And the statute giveth power to civil magistrates to enquire and punish, so the same is become temporal, or, at least, mixed, and not merely spiritual."

With this unlimited belief in the power of an Act of Parliament to change the nature of things, they had no difficulty in proving, satisfactorily to themselves, that the King had always exercised this supremacy in ecclesiastical matters. They seem, however, to have felt that their argument would carry them too far. They therefore hastened to qualify it by adding that, though the King's command ought to be binding in all things referring 'to the glory of God as well as to the good of the commonwealth,' yet it extended 'not to compel the heart and mind, nor the religion of the parties, but only the external action of the body.'

They acknowledged that there were two cases in which the King ought not to interfere even with 'the external action of the body,' namely, either when the person was liable 'to be drawn into the danger of hypocrisy,' or when the action commanded was 'prohibited by lawful and binding authority.' They argued, however, that there was no danger of leading anyone into hypocrisy by ordering him to go to church. The other objection they met by saying that when a Catholic priest directed those who would listen to him to absent themselves from

The Council then returned that their answers had no plain, they argued, that to the law of God, for it was would command anything who resisted the law of God. Consequently it was 'a charity punishment, to put such nation.'

After a few more remarks arguments to which most recourse when they are pre the law under pretence of command by anyone. "So that be it just, or godly, the common charge themselves of their duty same to be against their error which is no other than to satisfy pleasure not only of the wise,

Chichester felt that, how compel all Irishmen to attend scheme. On the very day on was written, he sent him he gave expression to matters of bringing

Chichester's
letter to
Salisbury.

albeit I wish reformation, and will study and endeavour it all I may, which I think sorts better with His Majesty's ends than to deal with violence and like a Puritan in this kind."¹ Upon the receipt of this letter the English judges were consulted, and gave an opinion that the proceedings in Ireland were according to law. Barnwall was, upon this, sent back to Ireland, and required to make submission to the Deputy. He had achieved his object. In spite of the opinion of the English judges, no attempt was ever again made in Ireland to enforce attendance at church through the fear of a fine in the Council Chamber.²

Two or three months later, Salisbury received a letter from Lord Buttevant, protesting against the measures which were being taken in Munster by the President.³ Upon this the

July, 1607. English Council wrote to recommend that a more moderate course should be taken with the recusants.⁴

This order cannot have been otherwise than agreeable to the Deputy. He had engaged himself in repressive measures, not from any persecuting spirit, but because he believed that the religion of the Catholics made them enemies to order and government. He gave way, like the Duke of Wellington in 1829, without modifying his opinion in the least, as soon as he saw that his measures had provoked a spirit of resistance which was far more dangerous to the State than the elements which he had attempted to repress.

The death of Sir Henry Brouncker, in the summer of 1607, made a change of system easy in Munster. It was found that

he had left the principal men of all the towns in the province either in prison, or on bond to appear when they were summoned.⁵ The greater part of the prisoners were released.⁶ For some little time indictments

¹ Chichester to Salisbury, Dec. 1, *Irish Cal.* ii. 64.

² The Council to Chichester and the Irish Council, Dec. 31, *ibid.* ii. 83.

³ Buttevant to Salisbury, Feb. 11, *ibid.* ii. 137.

⁴ The Council to Chichester, July 21, *ibid.* ii. 230.

⁵ Moryson to Salisbury, June 25, *ibid.* ii. 266.

⁶ Fourteen were kept in prison, who refused to sign a bond that they would not leave the province without leave, and that they would appear at

were brought under the statute, and the shilling fines were levied; but even these were gradually dropped, and, for a time at least, the Government was convinced that the attempt to convert Irishmen by force was more dangerous than they had expected.

A trial which took place in the early part of 1607, can hardly be considered to have formed part of the persecution, which was at that time dying away. Amongst the priests who were lying in prison at the end of the preceding year, was Robert Lalor, Vicar-General in the dioceses of Dublin, Kildare, and Ferns. He obtained his release in December, by confessing that it was unlawful to hold the office which he occupied, and that the appointment of Bishops rightfully belonged to the Sovereign. He also promised to obey all the lawful commands of the King.

It soon came to the ears of the Government that he had been giving a false account of the confession which he had made. He had attempted to excuse himself to his friends by asserting that he had only acknowledged the authority of the King in temporal causes. Upon this he was indicted under the Statute of Premunire.

The Government do not seem to have been animated by any vindictive feeling against the man, but they appear to have been glad to seize an opportunity of demonstrating that he could be reached by a statute passed in the reign of Richard II., and that the claims of the Catholic priesthood had been felt as a grievance, even by a Catholic Sovereign and a Catholic Parliament. He was accordingly charged with receiving Bulls from Rome, and with exercising ecclesiastical jurisdiction. He had also instituted persons to benefices, had granted dispensations in matrimonial causes, and had pronounced sentences of divorce. At his trial he urged that he belonged to a Church whose decrees were only binding on the consciences of those who chose voluntarily to submit to them, and that therefore

any time when summoned before the Council, and that they would not willingly converse with any priest. The late President had laid fines to the amount of 7,000*l.*, but only 80*l.* was actually levied.—Chichester to Salisbury, Aug. 4, *Irish Cal.* ii. 316.

the Statute of Premunire, framed to check a jurisdiction recognised by the State, had no longer any application. Davies, who had become Attorney-General in the course of the preceding year, would hear nothing of this argument. A verdict of guilty was brought in, and sentence was pronounced.¹ Lalor, having served the purpose for which his trial was intended, slipped out of sight. It is not probable that he was very severely punished.

Chichester betook himself to a more congenial mode of reforming the Church. He could not do much where the Archbishop of Cashel was plundering four dioceses,² and where scarcely a parish was sufficiently endowed for the support of a minister. But he did what he could. He had his eye upon every preacher of worth and ability in Ireland, and as the sees fell vacant one by one, he was ready to recommend a successor, and to propose some scheme by which to increase the pittance, which the last occupant had probably eked out by illegal means. The rule which he laid down for the choice of bishops for Ireland may be gathered from a letter in which he informed Salisbury of the death of the Bishop of Down and Connor. He reminded him that, in choosing successors to any of the Bishops, regard should be 'had as well to their ability of body, and manners and fashion of life, as to their depth of learning and judgment: these latter qualifications being fitter for employments in settled and refined kingdoms than to labour in the reformation of this.'³ Nor

were these his only services to the Church. He was foremost in pressing on the translation of the Book of Common Prayer into Irish, and as soon as the work was accomplished in 1608, he took an active part in dispersing it through the country.⁴

The Deputy's office was certainly not a bed of roses. Whilst the whole of the Catholic South was openly expressing

¹ *State Trials*, ii. 533.

² Note of Abuses, Aug. 4, *Irish Cal.* ii. 315.

³ Chichester to Salisbury, Jan. 14, *ibid.* ii. 104.

⁴ *Harl. MSS.* 3544. The translation of the New Testament had been completed in 1603.

its detestation of his measures, the state of the North was such as to engage his most anxious attention. After his visit to Ulster in 1605, he had formed some hopes that the great chiefs would quietly submit to the new order of things. In the spring of the following year, he began to be doubtful of the success of any attempt to convert an Irish chief into a peaceful subject. The rule of the law had come near enough to the two northern earls to make them discontented. Tyrone himself promised that he would obey the laws. Chichester, who put little faith in his promises, was only confirmed by his intercourse with him in the opinion that Ulster would never prosper until it was brought under the settled government of a President and Council.¹ Tyrone must have had some inkling of this opinion of the Deputy, for, not long afterwards, he wrote to the King, protesting against such an indignity, and declaring that he would sooner pass the rest of his life in exile than come under any government but that of the King himself, or of the Lord Deputy ;² or, in other words, that he would do anything rather than submit to any government which was near enough to reach him effectively.

Chichester determined to leave it to time to develop the results which were certain to ensue, and contented himself with employing the summer in a progress through the three south-western counties of Ulster. His first resting-place was Monaghan, then a village composed of scattered cottages, chiefly occupied by the soldiers of the little garrison. The inhabitants of the surrounding country were, for the most part, members of the sept of the Mac-Mahons. Monaghan had been made shire-ground sixteen years before, and had been divided into freeholds, to be held by the principal men of the district. But the flood of rebellion had passed over the unhappy country before the new order of things had well taken root, and had swept away every trace of these arrangements. The freeholders themselves had been a particular mark for those who had found their account in the old anarchy, and such of them as did not aid the rebels were

¹ Chichester to Salisbury, May 10, *Irish Cal.* i. 726.

² Tyrone to the King, June 17, *ibid.* i. 763.

either slain or driven away. To restore order amidst the confusion which had set in was no easy task. Chichester set about it with his usual good sense and courtesy. He arranged the whole settlement so as to make as few changes as possible. Whenever he found that an alteration was necessary, he laid it before the chief persons present, and succeeded in securing their full consent to his proposals. It only remained to obtain the requisite powers from England before his final sanction could be given.

The necessity which existed for a change in the social condition of the country became apparent as soon as the assizes were opened. Prisoner after prisoner was brought to the bar ; it was to no purpose that the most convincing evidence was tendered against them ; in every case a verdict of Not Guilty was returned. The cause was soon discovered : the jurymen knew that if they returned a verdict of Guilty, they would be exposed to the vengeance of the relations of the prisoner, and that they might consider themselves fortunate if, as soon as the Deputy's cavalcade was gone, they only saw their lands pillaged and their cattle driven away.

The county was plainly unfit for the exercise of trial by jury. The simplest remedy would have been temporarily to suspend the system. But such an idea never occurred to Englishmen at that time, except in cases of actual rebellion. In this case the jurymen were visited with 'good round fines.' The next jury was terrified into giving a true verdict. We are not told what became of the persons who composed it after the Deputy was gone.

One of the customs of the county was a nuisance which Chichester was determined to abate. The principal men of the district had long made it a habit to 'eat their beef from the English Pale.' In order to make this possible, an indispensable

member of their household was a professional thief, who went by the respectable appellation of 'The Caterer.' In order to give these people a hint that such proceedings must come to an end, two of the great men, whose tables had been supplied in this irregular way, were in-

The caterers
of Mona-
ghan.

ment, In Fermanagh the Irish were so
Fermanagh. interruptedly. The county was
the Maguires. Connor's patent was
English at the time of the rebellion, and
a grant of the whole county. Mountjoy,
wishing to bribe in Cuconnaught Maguire,
took Connor's patent, and divided the
patent was, however, to be granted
established. Here, again, Chichester noted
the knotty question of the Irish title
he found that here, as everywhere else,
The lords, with one consent, declared
to them; the occupants no less so
was theirs, and that the lords had
dues.¹ Chichester noted down the
trines, and reserved them for future
with characteristic readiness to grant
against the Irish lords, set down the
proved.

From Fermanagh the Deputy
he found the county in a state of
Cavan. before the rebellion broke
tions connected with the
nosed by the rebellion.

had been preserved, and Sir John himself had died in arms against the Queen. On his death, his brother Philip set at nought the arrangements of the Government, and took possession, as tanist, of the whole district, giving himself the title of The O'Reilly. He did not long survive his brother, and was succeeded by his uncle Edmond, who was afterwards killed in rebellion. Upon his death no successor was appointed. Whilst the greater part of the family had taken arms against the Queen, Sir John's eldest son, Molinary O'Reilly, had served under the English Government, and had been slain fighting against his countrymen. Upon the restoration of peace, his widow, a niece of the Earl of Ormond, demanded the wardship of her son, and a third part of the land as her own dower. This claim was not supported by law, as Sir John had never taken out his patent to hold his land by English tenure, and consequently his son Molinary had never been the legal owner of the land. Carey, however, who was the Deputy to whom her request had been made, acceded to her wishes, though he gave the custody of the land to one of Sir John's brothers. The inhabitants of the county took advantage of the confusion to refuse to pay rent to anyone. Chichester investigated the whole subject, and, as he had done in the case of the other two counties, reserved his decision till after his return to Dublin.

The results which were expected to ensue from the coming change were sketched out, by Davies, in warm, but by no means in too glowing colours. "All the possessions," he wrote, "shall descend and be conveyed according to the course of the common law ; every man shall have a certain home, and know the certainty of his estate, whereby the people will be encouraged to manure¹ their land with better industry than heretofore hath been used, to bring up children more civilly, to provide for their posterity more carefully. This will cause them to build better houses for their safety, and to love neighbourhood. And there will arise villages and towns, which will draw tradesmen and artificers, so as we conceive a hope that these countries, in a short time, will

Results expected from the Deputy's progress.

¹ *i.e.* cultivate.

the people of the north and the
south, and the people of the
north and south, and the people
of the north and south, and the people
of the north and south, and the people

The summer, which had
its northern progress, had a
view of the ground of the last
year, and maintained the
state of the country. From the north
there was to be known as
north from Ulster, the north
chief justice, Sir James Ley, of
the new county was to be visit
without entertaining any very
reception with which they were
rally understood in Dublin the
den of thieves and robbers.
prise. The people flocked and
that it was a matter of astonish
mountains could support such
poured forth from the glens and
were to confer upon the country
regular law. Nor was the
classes. The gentlemen and
highest compliment.

appearing in what was to them the awkward novelty of the English dress.¹

If these unwonted signs of loyalty were manifested amongst the native population they were owing to the growing conviction that Chichester meant well by those who were subjected to his authority. Armed force he had but little to dispose of, but the knowledge that he was doing his best to establish justice weighed heavily on his side. By his attempt to force the Irish to conform to a religion which they detested, he had, from the best of motives, done much to weaken that impression ; but that mistake was soon to be abandoned, and if only the settlement of Ireland could have been carried out in the spirit which had dictated the despatch of the English Council on the division of Cavan and Fermanagh, Irish history would have been more cheerful reading than it is.

¹ Davies to Salisbury, Nov. 12, 1606, *Irish Cal.* ii. 33.

CHAPTER X.

THE PLANTATION OF ULSTER.

SATISFACTORY as the progress of improvement was, on the whole, the Deputy found materials for anxiety in the condition of Ulster. In the summer of 1606, a report reached him that Tyrconnell and Cuconnaught Maguire had been attempting to obtain a passage for France on board a Scottish vessel, which happened to be lying off the coast.¹ In January, 1607, Chichester took the opportunity of a visit which Tyrone was paying in Dublin, to question him on the subject, but he was unable to elicit from him any information except that the two chiefs were miserably poor, and had expressed to him their discontent. Tyrone himself was in no good humour; he was irritated by difficulties connected with the ownership of land in his own country, which had been perpetually recurring, in one form or another, ever since his return from England,² and which were likely to recur as long as the English Government looked with

¹ Depositions of Gawin More and Kilmeny, of Glasgow, Aug. 30, 1606, *Irish Cal.* i. 830.

² A few months before James expressed himself in a way which shows that he, at least, had no deliberate wish to despoil Tyrone of his inheritance, which, as he says, if it were determined by strict law, might be doubtful 'in a country where their evidences and records are so ill kept.' He sent a message to Salisbury, 'that as, on the one side, he will not maintain Tyrone in any encroaching of such greatness upon his subjects as were not fit, so on the other side he would wish all occasions to be taken from him of just complaint, considering what dependency the Irish have on him, and how ticklish their disposition is towards the State.'—Lake to Salisbury, Aug. 27, 1606, *Hatfield MSS.* 118, fol. 69.

jealousy on his proprietary claims, which carried political authority with them. His chief quarrel, however, was with Sir Donnell O'Cahan, his principal vassal, or uriaght, as he was called by the Irish. O'Cahan's territory was of considerable extent, reaching from the river Bann to the shores of Lough Foyle. He boasted that it had been held by his ancestors for a thousand years. When a successor to The O'Neill was chosen, it was to O'Cahan that the privilege was assigned of inaugurating him by the various ceremonies which were required by the Irish custom.¹ When The O'Neill went to war, O'Cahan was bound to join him at the head of one hundred horse and three hundred foot, in return for which he claimed the suit of apparel which was worn by The O'Neill, and the horse upon which he rode, as well as a hundred cows. O'Cahan, on the other hand, paid to The O'Neill a yearly rent of twenty-one cows. According to O'Cahan, when he had performed these services, he was as much the lord of his own land as any English freeholder. O'Neill, on the other hand, had never been sparing, whenever he had the power, of those various forms of exaction which weighed so heavily upon an Irish vassal.

This state of things, liable enough in itself to give rise to endless disputes, had been aggravated by the interpretation which each of the rivals had put upon the promises of the English Government. O'Cahan had followed his chief in rebellion, but had been the first to make his peace. As a reward for his desertion of the Irish cause, Mountjoy had promised him that he should in future hold his lands directly from the Crown. He actually received a patent, granting him the custody of the lands at the same rent as that which he had

¹ After the chief had sworn to observe the customs of the tribe, and had taken his place on the stone on which the chiefs or kings were seated at their installation, the principal sub-chief presented him with a rod. Then, 'after receiving the rod, the king's shoes were taken off, and he placed his feet in the impress, in the stone, of his ancestor's feet; then, stepping forward, the sub-chieftain placed sandals on his chief's feet in token of obedience, retained one of the royal shoes as an honourable perquisite, and threw the other over the king's head as an augury of good luck.'—*Dublin University Mag.* No. cccxxv. p. 531.

...manner, ()
Upon Tyrone's return
to claim O'Cahan's submission
brought with him
1603. and he demanded
once be sent to him, and
him, in future, the same
considered to be equivalent
for the performance of his
large district to
1606. O'Cahan submits to Tyrone. O'Cahan submitted
that Mountjoy had
hoped he may have entertained
showed him the royal grant
betrayed, he resigned his
paper, in which he agreed to
draw all claims to an independent
submit any quarrel which might
and any of his own followers
It was probably during a visit
Bishop of Derry, Raphoe, and
that a new light dawned upon
which he was likely to obtain
gomery had discovered that the

¹ Agreement, Feb. 17. It is
ii. 144. 37

afford but a poor maintenance to a bishop, and, as he knew that a large part of the lands which he claimed on behalf of the see of Derry lay in O'Cahan's territory, he encouraged the Irishman to go to law with Tyrone, on the understanding that he was himself to reap part of the benefit.¹ Rumours, too, may well have reached him that inquiries had been made into the nature of the connection between the chiefs and their subordinates, and it must soon have oozed out that the Government was by no means desirous to allow more to the great chiefs than strict justice required.

Whatever rumours of this kind may have been abroad, they failed to make any impression on Tyrone. Scarcely had Chichester returned to Dublin, when the Earl proceeded to further aggressions. His wish was to gain over O'Cahan's followers to his own service. The method by which he hoped to obtain his object had, at least, the merit of simplicity. He drove off all the cattle which he could find in O'Cahan's district, and told the owners that they could only regain their property by breaking off all connection with his rival.²

In May, O'Cahan laid his case before the Deputy and the Council. After detailing his grievances, he requested that he might be allowed the services of the Attorney-General.³ His request was complied with, and the two rivals were ordered to present themselves before the Council. It had been difficult to induce Tyrone to appear; it was not to be expected that he should comport himself in such a manner as to satisfy the Council. His proud spirit was unable to brook the degradation of being called in question for what he regarded as his ancestral rights. He can hardly have doubted that a decision against him was a foregone conclusion, and that the legal question of the force of the patent granted

¹ Montgomery to Salisbury, July 1, 1607, *Irish Cal.* ii. 281, 282.

² This is O'Cahan's account of the matter. Tyrone, in his answer to O'Cahan's petition (May 23, 1607), says it was done as a distress for rent. Perhaps O'Cahan refused to pay the stipulated rent of two hundred cows.

³ O'Cahan's petition, May 2; Tyrone's answer, May 23, *Irish Cal.* ii. 196, 212.

Tyrone
renews his
aggressions.

May 1607.
O'Cahan's
case.

actions he shall undertake.”
to read the papers on which
snatched them violently from
pieces before his face. It was
restrained his indignation, and
him a slight reproof.

Chichester had reasons of
disrespectful conduct. Report
to believe that an agitation was
might at any time lead to an
precipitate matters by any appearance.

Salisbury had received information
existence in Ireland, from a young

Information of a conspiracy given to the Government.
Sir Christopher St. Lawrence
serving in the Archduke's
But St. Lawrence's

stand high, and it was
solely upon his evidence. On Monday
which corroborated his statement
found at the door of the Council
had been formed to murder the
government.³ Not long afterwards
lately succeeded to his brother's
new Lord Howth told his story
it was intended.

from the King of Spain. . The original idea had been to seize upon Dublin Castle at Easter in the preceding year, and to surprise the Deputy and Council. This was to have been the signal for a general rising. The plan was at that time relinquished, in consequence of the refusal of Lord Delvin, one of the lords of the Pale, to concur in any scheme by which Chichester's life was threatened. He declared that, sooner than the Deputy should be slain, he would reveal the whole plot to the Government. Howth added that, before he left Flanders, the learned Florence Conry, Provincial of the Irish Franciscans, assured him that everything was now ready in Ireland for an insurrection. The King of Spain, however, who was to furnish ten thousand foot and two hundred horse, would not be prepared till the autumn of 1608. The Provincial was himself entrusted with a large sum of money, which was to be placed in Tyrconnell's hands. Howth also declared that Tyrconnell had been present at the meetings of the conspirators. On the other hand, though he had no doubt of Tyrone's complicity, he was unable to prove anything against him. The information was afterwards fully confirmed by the confession of Delvin.¹ Chichester, however, at the time, put little confidence in a story which came from such a source. Howth himself refused to be produced in public as a witness, and there was little to be done except to use all possible means of acquiring additional information. That such a conspiracy existed was sufficiently probable. The attempt to enforce the Recusancy laws in 1605 could not but have had the effect of disposing the lords of the Pale and the merchants of the towns to look with eagerness to a coalition with the chiefs of the North, who were dissatisfied on very different grounds.²

Meanwhile Tyrone's prospects at Dublin had changed. The lawyers, with Davies at their head, had hit upon the notable

¹ Chichester to Salisbury, Sept. 8. Delvin's confession, Nov. 6, *Irish Cal.* ii. 296, 301, 336, 337, 438. The plot was imparted by Tyrconnell to Howth and Delvin at Maynooth, about Christmas 1605.

² Chichester to Salisbury, July 7. The Council to Chichester, July 22, *ibid.* ii. 296, 301.

...that they would
into His Majesty's hands.
saved him from being led away
was made that two-thirds
O'Cahan's possession, and the
remaining third till the question

July 16. and O'Cahan were
The case to go to England,
be heard in the King.¹ After so
London. taking the matter into his own
England.²

In August, Chichester again
tion was to carry out some, at
had planned in the course of his
frequent interviews with Tyrone
dissatisfied with the prospect of
apparently engaged in making p

In fact, the news that Ty
England had spread consterna
spirators. It was im
that more was mea
spirators. fancied that all their
Government, and they looked
journey to London as a clever s
the man whose presence would
surrender.

On Saturday, August 29, Chichester saw Tyrone for the last time. The earl visited the Deputy at Slane, and entered into conversation with him on the subject of his intended journey to England. When he took his leave, the downcast expression of his countenance was noticed by all who saw him. He may well have been dejected. The dream of his life was passing away for ever. Calmly and steadily the English usurper was pressing on over the land where obedience had been paid to his ancestors for generations. He had easily credited the warning which reached him, that if he set foot in England he would himself be committed to the Tower, and that Chichester would be appointed to govern Ulster as Lord President. Nothing remained but to seek refuge in a foreign land from the hated invader, whom he could never again hope to expel from the soil of Ireland.

He next went to Sir Garret Moore's house, at Mellifont. When he left the house, the inmates were astonished at the wildness of his behaviour. The great earl wept like a child, and bade a solemn farewell to every person in the house. On the 31st he was at Dungannon, where for two days he rested for the last time among his own people. Late on the evening of September 2 he set off again, accompanied by his wife, his eldest son, and two of his young children. A party of his followers guarded their chief and his family. Between him and his countess there was but little love; in his drunken bouts he had been accustomed to behave to her with the greatest rudeness. Nothing but absolute necessity had forced her to remain with him, and she had only been prevented from betraying his secrets to the Government by the care with which he avoided entrusting her with any.¹ As the train was hurrying through the darkness of the night, she slipped from her horse, either being in reality overcome with fatigue, or being desirous of escaping from her husband. She declared that she was unable to go a step further. Tyrone was not in a mood to be crossed; he drew his sword, and com-

¹ When Chichester was in the North in 1605, Lady Tyrone had offered to play the spy for him.—Chichester to Devonshire, Feb. 26, 1606, with enclosures, *Irish Cal.* i. 654.

pelled her to mount again, swearing that he would kill her, if she did not put on a more cheerful countenance. The next day, he crossed the Foyle at Dunalong, in order to pass unnoticed between the garrisons of Derry and Lifford. The Governor of Derry, hearing that the earl was in the neighbourhood, and being ignorant of his intentions, sent a messenger to ask him to dinner, an invitation which Tyrone declined. Late on the night of the 3rd, the little band arrived at Rathmullan, on the shores of Lough Swilly, where Tyrconnell and Cuconnaught Maguire were waiting for them.¹ Maguire, who had been acquainted with the conspiracy, had gone over to Brussels in May,² apparently in order to see whether there was any chance of obtaining assistance from the Archduke. A few weeks earlier, Bath, a citizen of Drogheda, had been sent by the two earls to ask for help from the King of Spain,³ but had met with a cool reception. The Spanish Government had enough upon its hands in the Low Countries to deter it from embarking in a fresh war with England. Maguire had not been long in Brussels before information reached him that their whole scheme had been discovered. It was said that the Archduke had given him a sum of money to enable him to assist in the escape of the persons implicated. With this he bought a ship at Rouen, where he met with Bath, and in his company sailed for the north of Ireland.

They had been preceded by a letter written from Brussels by Tyrone's son, Henry O'Neill, to his father, which, probably, conveyed intelligence of their intended arrival.⁴ On August 25, they had cast anchor in Lough Swilly, where they had remained under pretence of being engaged in fishing until Tyrconnell and Tyrone could be warned. On September 4, the exiles went on board, and on the following day they bade farewell for ever to their native land. It is said that they were detained by a curious circum-

He finds
Tyrconnell
and Maguire
at Rath-
mullan.

They set sail
from Lough
Swilly.

¹ Chichester to the Council, Sept. 7. Davies to Salisbury, Sept. 12, *Irish Cal.* ii. 343, 354.

² Examination of James Loach, Dec. 18, *ibid.* ii. 493.

³ Examination of Sir Thomas Fitzgerald, Oct. 3, *ibid.* ii. 390.

⁴ Confession of Sir Cormac O'Neill, Oct. 8, *ibid.* ii. 424.

stance.¹ There was an infant child of one of Tyrconnel's brothers, who was, according to the Irish custom, under the care of a foster father. It happened that the child had been born with six toes on one of its feet. A prophecy was said to have been handed down for generations, that a child of the sept of the O'Donnells would be born with six toes, who would drive all the English out of Ireland. Such a treasure was too valuable to be left behind, and the whole party waited till the child had been brought on board. The pains which were taken to secure this infant were the more remarkable, as one of Tyrone's own children was left in Ireland.

Chichester felt the full extent of the danger. He knew that if a Spanish army were to land in Ireland, it would be impossible for him to meet it with more than four hundred men, and there was little hope that he would receive any active assistance, even from those among the Irish who were ill-disposed to the cause of the two earls. Whatever could be done, he did at once. Small garrisons were thrown into the chief strongholds of the fugitives, and orders were given for the arrest of the few persons who were known to have taken part in the conspiracy.² Commissioners were sent into the northern counties to assume the government in the name of the King, and a proclamation was issued, in which assurances were given to the common people that no harm should befall them in consequence of the misconduct of their superiors.

Still, the Deputy was anxious. In Ulster, as in so many other parts of Ireland, though there were a few men of wealth who dreaded the effects of a new rebellion, the mass of the population were in such extreme poverty as to welcome the prospect of war, in the hopes of gaining something in the general scramble. Already bands were formed which began to plunder their neighbours, and to infest the surrounding districts.

¹ This explanation would reconcile Davies, who says that they took ship on the 4th, with Chichester, who says that they sailed on the 5th. Perhaps, however, one of the dates is incorrect.

² Chichester to the Council, Sept. 7. Chichester to Salisbury, Sept. 8, 1607, *Irish Cal.* ii. 343, 347.

Chichester's views for the settlement of Ulster.

offered itself for
into the garden c
adopted the whole
might have been changed, and
might have been spared. Let
into his own hands the count
earls, and let it be divided
Let every gentleman in the c
and all his tenants and follo
Then, when every native Irish

He hopes to be able to bring the conspirators to trial.

received his share, a
tracts which would s
to men who had d
military or civil servi
from England or Scotland, wh
condition of building and garr
this means, everything would
would be put into a good state
pense to the Government, and
converted into independent and
would bless the Government und
such an advance in wealth and
done, Chichester concluded by s
but to drive out all the nativ
and Fermanagh.

fugitives, as nothing could be done with their estates before their attainder.¹

For the present, however, the Government had its hands too full of more important matters to allow it to devote much time to tracing out the ramifications of an abortive conspiracy. The flight of the earls had brought with it a considerable alteration in the relations which had previously subsisted between the Government and the chiefs of secondary rank in the North. As long as Tyrone and Tyrconnell remained in Ulster it was natural that their dependents should look with hope to a Government which was likely to support them in any quarrel which might arise between them and their superiors. But as soon as the earls were gone, these men stepped at once into their place. The same fear of English interference which had driven Tyrone and Tyrconnell into rebellion now filled the minds of their vassals with anxiety. It soon became evident that nothing but the greatest prudence and forbearance on the part of the English officials would succeed in maintaining the peace in Ulster.

Anxiety of
the Govern-
ment with
respect to
Ulster.

The two Englishmen, upon whose discretion the preservation of peace principally depended, were the Bishop and the Governor of Derry. Unfortunately, at this time both these important posts were occupied by men eminently unfitted to fulfil the duties of their position. Neither of them had been appointed at Chichester's recommendation. Montgomery had obtained the bishopric through the favour of James himself. He employed himself diligently in promoting the temporal interests of the See, to the complete neglect of his spiritual duties. A year before he had supported O'Cahan against Tyrone, because a large part of the land which he claimed as the property of the See was in O'Cahan's territory,² and he thought that it would be easier to reclaim

The Bishop
of Derry and
O'Cahan.

The Council to Chichester, Sept. 29, *Irish Cal.* ii. 380.

² "Sir Donnell is a man of bold spirit, altogether unacquainted with the laws and civil conversation" . . . "and undoubtedly hath much malice within him, especially towards his neighbours; yet I am of opinion he might have been made better by example and good usage; and when

Paullet,
Governor of
Derry.

by the English Government he owed this favour to
From the first Chichester had re-
approbation.¹ Not only was Paul-
per was beyond measure arrogant
feud with his subordinate officers.
their dislike by over-strictness of
ordinary precautions were neglected
seem, in the midst of a population
moment—he allowed the garrison
night, without taking even the pre-
sentry on the walls. Such conduct ha-

1607.

observant eye. If Paullet
own appointment, he would
him from his post without loss of
obliged to content himself with warn-
quences of his negligence. Unfortun-
one of those who never profit by any

Such a man was not likely to be
Irish neighbours. He had not bee-

He suspects
O'Dogherty
of intending
to rebel,

he was on the worst possi-
O'Dogherty, the young an-
howen. About two months
the smouldering embers of the quarr-

On October 31, O'Dogherty collected a number of his followers, for the purpose of felling timber. In the state of excitement in which the country was, it was impossible for a man of O'Dogherty's mark to bring together any considerable body of men without exposing himself to suspicion. He was at that time more likely to be regarded as a man inclined to make a stir, as he had recently put arms into the hands of about seventy of his followers. Within a few hours, therefore, after he left his home at Birt Castle, a report spread rapidly over the whole neighbourhood that, together with his wife and the principal gentlemen of the district, he had taken refuge in Tory Island, where he intended to await the return of Tyrone. No sooner had this report reached Paulet than he wrote to O'Dogherty, pretending to be extremely grieved at the rumours which had reached him, and requesting him to come at once to Derry. Paulet, after waiting a day or two for an answer, set out for Birt Castle, accompanied by the sheriff and by what forces he was able to muster. He hoped to be able to surprise the place in the absence of its owner. On his arrival he found that, though O'Dogherty himself was absent, his wife had remained at home, and refused to open the gates. His force was not sufficiently large to enable him to lay siege to the place, and he had no choice but to return to Derry, and to write an account of what had passed to the Deputy. At the same time he was able to inform him that O'Cahan had been lately showing signs of independence, and had been driving the Bishop's rent-gatherers off the disputed lands.¹

¹ Hansard to Salisbury, Nov. 1 and 6, *Irish Cal.* ii. 425, 448. O'Dogherty to Paulet, Nov. 4. Paulet to Chichester, Nov., *ibid.* ii. 429, 430. Chichester to the Council, April 22, May 4, 1608, *ibid.* ii. 662, 686. That O'Dogherty was innocent of any intention to rebel was believed by Hansard, who, as Governor of Lifford, was likely to be well informed. Chichester, too, speaks of this matter in a letter to the Council on April 22, as one 'wherein all men believed he had been wronged.' Besides, if he had intended treason, Neill Garve would certainly have known of it; and if anything had passed between them, some evidence of it would surely have been discovered when witnesses were collected from all quarters at a later date.

...together believe it
allowed him to return, after
1,000*l.* to appear whenever
manston and Sir Thomas Fitz
appearance.¹

Shortly after his return, O'
as foreman of the grand jury
Assizes at in order to find a b.
Lifford, earls and their follo
twenty-three persons, thirteen
not seem to have shown any
they felt some of those scruples
men who had lived under a tota
that in the administration of wh
part. Having expressed a doub
a bill against the followers, sor
acted under coercion, they were
which alone they were now conc
of accusation, and had nothing o
Opportunity would afterwards be
themselves, if they could. The
answer, but wished to know ho
guilty of imagining the King's de
before them that either of them
tion. They were then initiated :
English :

of Tyrone, where a true bill was again found against Tyrone, on the charge of having assumed the title of The O'Neill.¹
1608.
and at
Strabane. He was also found guilty of murder, having executed nineteen persons without any legal authority. After this the judges told the grand jury that they should thank God for the change which had come over the country. They were now under the King's protection, who would not suffer them to be robbed and murdered, and who would not allow anyone to be imprisoned without lawful trial. To this address they all answered with cries of "God bless the King!"² A few weeks afterwards process of outlawry was issued against the fugitives, with a view to their attainder.³

During these months attempts were repeatedly made to induce O'Cahan to submit himself to the authority of the English officers. It was only after the Deputy had prepared a small force to march into his country, that he submitted, and gave himself up in Dublin, where he was kept in confinement, at his own request, till he could disprove the charges brought against him.

If O'Dogherty had been left to himself, he might possibly have remained a loyal subject. Unluckily, he fell under the influence of the wily and unscrupulous Neill Garve, whose lands lay to the south of his own territory.
1608.
Intrigues of
Neill Garve. Neill Garve had never forgiven the Government for preferring Rory O'Donnell to himself, and he was now more than ever exasperated at the discovery that the Deputy showed no signs of any desire to obtain for him the earldom which was once more vacant. He stirred up the excitable nature of O'Dogherty,⁴ who was vexed at the insult which he had received

¹ This charge was only supported by one document, in the body of which he was styled The O'Neill, though in his signature he used the name of Tyrone.

² Davies to Salisbury, Jan. 6, 1608, *Irish Cal.* ii. 517.

³ Chichester to the Council, Feb. 11, Chichester to Salisbury, Feb. 17, 1608, *ibid.* ii. 542, 568.

⁴ These and other statements relating to Neill Garve's proceedings rest upon the depositions enclosed in Chichester's letter to Salisbury, Oct. 31, 1609, *Irish Cal.* iii. 513.

By the middle of April
wrought upon the high spirit
to persuade him to throw his
power. The most extraordinary
that no plan whatever was
taken in the event of success
thought of was the prospect of
Neill Garvey seems to have
whatever happened, his wits
thing for himself in the general
contented himself with information
ceeded in surprising Derry, he
upon Ballyshannon.

The practised eye of Han
perceived that something un-
accordingly, put the
and at the same time
which not the slightest attention

The chief obstacle in the
difficulty of obtaining
clamoration for a general
impossible to procure
to give to a rebellion the chance
O'Dogherty, however

O'Dogherty's plan for surprising Calmore.

of the fort, to dine with him at his house at Buncrana. He complained that the ladies of Derry looked down upon Lady O'Dogherty, who was in consequence deprived of all society suitable to her rank; he hoped, therefore, that Hart would bring his wife and children with him. The invitation was accepted. As soon as dinner was over O'Dogherty led his guest aside, and, after complaining of the Deputy's conduct towards him, said that as Chichester would not accept him as a friend, he should see what he could do as an enemy. He threatened Hart with instant death unless he would surrender the fort. Hart at once refused to listen to such a proposal. He stood firm against his wife's entreaties, which were added to those of Lady O'Dogherty. His host told him that his wife and children should all perish if he persisted in his refusal, and offered to swear that if the fort were delivered to him, not a single creature in it should be hurt. Hart, like a sturdy Englishman as he was, answered, 'that seeing he had so soon forgotten his oath and duty of allegiance to 'his 'Sovereign Lord the King,' he 'should never trust oath that ever he made again.' He might hew him in pieces if he would, but the fort should not be surrendered. Upon this O'Dogherty took Hart's wife aside, and persuaded her without difficulty to second him in a scheme which would enable him to get possession of the fort without her husband's assistance.

Towards the evening he set out with about a hundred men, and arrived after nightfall at Culmore. As soon as he came close to the gate he sent the lady forward with one of his own servants. She cried out, according to her instructions, that her husband had fallen from his horse and had broken his leg, and that he was lying not far off. Upon this the whole of the little garrison rushed out to help their captain. Whilst they were thus employed, O'Dogherty quietly slipped in at the gate, and took possession of the place.

Having thus obtained the arms of which he was in need, he set off for Derry. When he arrived at the bog by which the town was separated from the adjoining country, he divided his forces, and put one part under the

1608.
Surprise of
Culmore.

Capture of
Derry.

command of Phelim Reagh. This division was to assault the principal fort, which lay upon the hill, whilst O'Dogherty himself was to direct the attack upon a smaller fortification at the bottom of the town, in which the munitions were stored. Their only chance of success lay in their finding the garrison off its guard, as there were in the town a hundred soldiers, and an equal number of townsmen were capable of bearing arms. It was about two in the morning when the attempt was made. Phelim Reagh succeeded in effecting an entrance, and at once made for Paulet's house. The Governor was roused by the noise, and succeeded in making his escape to the house of one of the other officers, where he was finally discovered and put to death. After some fighting, all resistance was overcome in this part of the town, and the buildings in the fort were set on fire. The lower fort was seized by O'Dogherty with still less difficulty. Lieutenant Baker, having been baffled in an attempt to retake it, collected about one hundred and forty persons—men, women, and children—and took possession of two large houses, in which he hoped to be able to hold out till relief reached him. At noon on the following day, provisions running short, and O'Dogherty having brought up a gun from Culmore, he surrendered, upon a promise that the lives of all who were with him should be spared.

Neill Garve had sent sixteen of his men to join in the attack. As soon as the place was taken, O'Dogherty, according to agreement, sent him a part of the spoil. Neill Garve refused to take it. What he was anxious to obtain was a share of the arms, and he was disappointed that none had been sent.

News of what had occurred soon spread over the country. The little garrison of Dunalong at once retired to Lifford, and its example was followed by the Scottish colony which occupied Strabane. With this assistance Hansard made no doubt that he would be able to maintain himself at Lifford against any force which O'Dogherty could send against him.

Whether Neill Garve was really offended with O'Dogherty or whether he was only anxious to keep well with both parties'

Neill
Garve's dis-
appoint-
ment.

The garrison
at Lifford re-
inforced.

it is impossible to say. It is certain that the first thing which he did was to sit down and write to Chichester, requesting him to give him the whole of the county of Donegal. To this modest demand Chichester replied by advising him to show his loyalty at once, and to trust to him for the proper reward afterwards.

Neill Garve makes proposals to the Government.

The Deputy saw the necessity of crushing the rebellion before it had time to spread. He at once despatched the Marshal, Sir Richard Wingfield, into Ulster, with all the troops which he was able to muster at the moment, and prepared to follow with a larger force.

Wingfield sent into Ulster.

On Wingfield's approach, O'Dogherty perceived that the game was up, unless a general rising could be effected. He set fire to Derry, and, after leaving Phelim Reagh at Culmore with thirty men, and throwing a garrison into Birt Castle, he himself retired to Doe Castle, a fastness at the head of Sheep Haven.

O'Dogherty retreats to Doe Castle.

To O'Dogherty's honour it must be said, that his prisoners were all released, according to promise. Excepting in actual conflict, no English blood was shed in the whole course of the rebellion.

On May 20, Wingfield arrived at Derry, and, finding it in ruins, pushed on to Culmore. In the course of the night Phelim Reagh set fire to the place, and, having embarked in two or three boats all the booty he had with him, made his way to Tory Island. Wingfield proceeded to subject Innishowen to indiscriminate pillage.¹ The cattle and horses of the unfortunate inhabitants were carried off, and were given to the townsmen of Derry, in compensation for their losses.

Innishowen plundered by Wingfield.

Neill Garve, seeing that O'Dogherty was unable to make a stand against the English, thought it was time to submit to the Government. He accordingly came into Wingfield's camp, upon receiving a protection from the consequences of his past acts. He had not been long in the camp before he sent to O'Dogherty,

Neill Garve submits to the Government, but communicates with O'Dogherty.

¹ Enclosures in Chichester's letter to the Council, May 4, 1608, *S. P. Irel.*

assuring him that he need not despair, as the forces sent against him were by no means strong. He told him that he had himself only submitted to necessity, and that he was in hopes that arms would be put into the hands of himself and his followers, in which case he would take the earliest opportunity of deserting.

Wingfield was only waiting for munitions to lay siege to Birt Castle. In the meanwhile he received intelligence which gave him hopes of capturing the rebels. Neill Garve, however, sent information to O'Dogherty of the plan of the English commander, and the attempt ended in failure.

Attempt to capture O'Dogherty frustrated by Neill Garve's treachery.

Not long afterwards the traitor left the camp, and betook himself to unadvised courses, which quickly drew upon him the suspicions of the Marshal. He took great numbers of O'Dogherty's followers under his protection, and plundered those who had submitted to Wingfield. Nor did he stop here. He presumed himself to summon the inhabitants of the whole county to join him, as if he had been lord of the entire inheritance of the O'Donnells.¹ He commanded that all men who had ever carried arms should, when they answered his summons, provide themselves with arms under pain of a fine. This was too much for the Marshal's patience. As his former treachery was now beginning to ooze out, he was immediately arrested, and sent a prisoner to the Deputy.

O'Dogherty's case was now hopeless. He was unable to cope with Wingfield, and Chichester's forces would soon be added to those of the Marshal. One desperate attempt he made to break through the toils, perhaps in the hope of exciting a more widely spread insurrection. With four hundred men he made his way across Ulster, and surprised and set fire to the little town of Clinard, in the neighbourhood of Armagh. But here he found that his way was barred by Chichester's cavalry, and there was nothing to be done but to attempt a hopeless retreat to Doe Castle,

O'Dogherty defeated and slain.

¹ Bishop of Derry to Chichester, June 15, *Irish Cal.* ii. 782.

the only place where it was any longer in his power to obtain even a temporary shelter, as Birt Castle, in which his wife, his daughter, and his sister were, had fallen into the hands of the English.¹ It was all to no purpose : he never reached the place of safety. On July 5, as he was approaching Kilmacrenan, a small place about six miles to the north-west of Letterkenny, he found Wingfield stationed across his path. The English immediately commenced the attack, though their numbers were considerably inferior to his.² The Irish were completely routed, and O'Dogherty himself was slain. It was better so, than that he should have met the fate of a traitor. Nothing good could ever have come of his rash and ill-timed rebellion. But he was not a mean and treacherous enemy, like Neill Garve. Under other circumstances he might have lived a useful, and even a noble, life. He had set his life upon the throw ; but it is impossible not to feel compunction in reading the Deputy's letter, in which he announces that, the body of the man who had spared the prisoners of Derry having been taken, he intended to give orders that it should be quartered, and the fragments set up on the walls of the town where he had shown an example of mercy to a conquered enemy.

Of his followers, some of those who could not escape were hanged at once by martial law, and some were reserved for trial.³ Amongst the latter were Phelim Reagh and one of O'Cahan's brothers, both of whom were executed. Two days after O'Dogherty's defeat, his brother-in-law, Oghie O'Hanlon, went into rebellion with a hundred men, but was speedily overpowered. One sad scene has been handed down to us from the history of this abortive attempt at insurrection, such as must often have occurred in these horrible Irish wars. A poor woman, we are told, ' was found alone by

¹ Chichester and the Irish Council to the Council, July 2, *Irish Cal.* ii. 810.

² Chichester to the Council, July 6, *ibid.* ii. 817. If the numbers are correctly given, O'Dogherty must have had seven hundred men. As he marched out with four hundred only, he must have gathered followers on his way. The English numbers are given at three hundred.

³ Chichester to the Council, Aug. 3, *ibid.* iii. 7.

an Irish soldier, who . . . stripped her of her apparel,' and left her 'in the woods, where she died the next day of cold and famine, being lately before delivered of a child.'¹

The employment of treachery by the English commanders is even more repulsive than a casual act of cruelty. Wherever any of the rebels were still to be found in arms, Chichester allowed it to be understood that he would pardon no man unless he could show that he had put some of his comrades to death.²

One of the escaped bands had taken refuge on Tory Island. Sir Henry Foliot, who was sent in pursuit, found that they had all fled, except a constable and thirteen warders. Foliot offered to spare the constable if he would within two hours deliver up the castle on the island with the heads of seven of his companions, amongst whom was to be a certain M'Swyne. While this negotiation was going on, one of the English officers was, by Foliot's orders, dealing with M'Swyne to kill the constable and some of the others. "So," wrote Foliot coolly to Chichester, "they departed from me, each of them being well assured and resolved to cut the other's throat. By ill hap, within the time appointed, it was the constable's fortune to get the start of the others, who killed two of them. Presently the rest of them fled into the island, hiding themselves among the rocks and clefts, which, after the break of day, I caused them to look for, and gave them two hours for the bringing in of their heads without the assistance of any of the soldiers; otherwise their own were like to make up the number promised by them; and, after a little search, they found three of them in a rock. The passage to it, in every man's opinion, was so difficult that I had well hoped it would have cost the most of their lives; but the constable, with the first shot he made, killed the principal; the other two men ran away toward us, the one of them promising some service, which I inquired of and found little matter in it, so delivered him

August.
The mas-
sacre on
Tory Island.

¹ Davies to Salisbury, Aug. 5, *Irish Cal.* iii. 15.

² Chichester to the Council, Sept. 12, *ibid.* iii. 40.

again to the constable to be hanged; and as he was leading him to the execution, the desperate villain, with a skean he had secretly about him, stabbed the constable to the heart—who never spake word—and was after by the other cut in pieces himself with the other three, and so there were but five that escaped. Three of them were churls, and the other two young boys.”¹ That an English officer could originate such a tragedy, and calmly recount it afterwards, goes far to explain why it was that even the efforts made by the Government in favour of the natives did not go far to win the Celtic heart from their own chieftains.

It was not till June 1609 that Neill Garve was brought to trial. The evidence against him was irresistible; but his neck was saved by the old difficulty. Before the verdict was given it came to the knowledge of the court that the jurors would never convict the lord of their own country. Upon this an excuse was found for stopping the trial.² The prisoner was sent to England, together with O’Cahan. They were both detained in prison till they died, in spite of their complaints of the illegality of such treatment.

When O’Dogherty’s rebellion had been crushed, all possibility of resistance was for the present at an end. The English Government had only to consider what use they would make of their conquest. It was necessary to take some steps for the settlement of Ulster. On the spirit in which the new system was introduced would depend the prospects of Ireland for centuries. The temper of the native population was such as to promise well for the success of any experiment which might be introduced by a ruler who combined a practical knowledge of the circumstances of the country with a statesmanlike appreciation of the wants of the people with whom he had to deal. The recollection of the harshness of English rule, indeed, continued to form a barrier between the Government and a great part of the inhabitants of Ireland, and

¹ Foliot to Chichester, Sept. 8, *Irish Cal.* iii. 54.

² Davies to Salisbury, June 27, *ibid.* iii. 398.

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1608. England in
Chichester's Government
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Sir Oliver St. John, Sir J

the whole of the six counties.¹ In many respects their suggestions were not unlike those which had been made by Chichester.

1609.
Differences
between
their plan
and that of
Chichester.

They proposed, as he had done, that the new inhabitants of Ulster should be composed of the retired civil and military servants of the Crown, and of English and Scottish colonists. But whilst Chichester would have treated with the Irish as being the actual possessors of the soil, and would only have admitted the colonists after the bargain with the natives had been completed, the Commissioners were ready to look upon the map of the North of Ireland as if it had been a sheet of white paper, and to settle natives and colonists in any way which might appear at the time to be most convenient. They were all men who knew Ireland well; but the question was one of that kind which demands something more than personal knowledge of a country. Of the part which each of them took in the production of the scheme there is no evidence whatever, but the error which was committed was so precisely of the kind which was likely to proceed from Davies, that it is difficult to avoid the conclusion that it is principally to him that the mischief is to be traced.

No doubt the plan of the Commissioners was attended by considerable advantages. By bringing the Irish to inhabit separate districts assigned to them by the Government, they would be withdrawn from those defensible positions which might prove formidable in case of another outbreak.

Mistake of
the Commis-
sioners.

Of still greater importance was it to leave a continuous tract of land for the sole use of the English colonists, whose safety would be endangered if their possessions were intermingled with those of the Irish, who were little disposed to look with favour upon the intruders on their native soil. But all these arguments were as nothing in the face of the manifest injustice of tearing away a whole population from its homes. The one hope for Ireland was that the Irish themselves should learn that it was possible to regard the Government with loyalty. Whatever mistakes had been com-

¹ A project for the division of the escheated counties, Jan. 23, *Irish Cal.* iii. 244.

mitted during the first five years of James's reign, the policy adopted by Chichester had been, at all events, such as to foster the notion that his aim was the protection of the native population against the exorbitant power of their own lords. Whatever good-will may have been won in this way was lost for ever if the scheme of the Commissioners should be adopted. It was not as if the land question had concerned the prominent chiefs alone ; in spite of all the practical oppression which had been exercised, no idea was more strongly rooted in the Irish mind than that the land was the property, not of the chief, but of the sept ; and that the poor were equally interested with the rich in defending the tenure of the soil. With a little management and fair dealing, such a feeling would probably have passed away before the softening influence of increased material prosperity. But a forcible removal of a whole population could only be regarded as a violation of its dearest rights. The poorest herdsman who wandered after his cattle over the bogs and mountains would treasure up in his heart the remembrance of the great confiscation which had robbed him of the lands of his ancestors, and had placed them at the feet of the stranger.

It is not too much to say that upon this apparently simple question the whole of the future fate of Ireland depended.

Its extreme importance. For when once that decision was taken, there would be no possibility of drawing back. If the plan of the Deputy were carried out, Ireland would be left, in the main, to its own inhabitants, and the English Government would have limited its interference to that salutary control and education which a more advanced race is capable of exercising over another in a more backward condition. If, on the other hand, the scheme of the Commissioners were adopted, Ulster was inevitably doomed to a confiscation which would hand it over to an alien race ; here, too, as in some other parts of Ireland, there would be a chasm which nothing could bridge over between the old and the new possessors of the soil. The religious differences, which, under other circumstances, as the Government grew wiser with the course of time, would cease to trouble it, would become the watchwords of the opposing races, which would learn to hate one another with a hatred greater than

even that to which theological rancour can give birth. In the midst of the strife the government itself would deteriorate. Those who from time to time exercised its powers would be more than human if they were able to mete out indifferent justice, between Protestant Englishmen and men of an alien race, whose religion they detested, and whose submission was to be secured by force alone, excepting at the price of sacrifices which they were unwilling, and probably unable, to make.

Nothing of all this was foreseen by the well-meaning men who had been employed to draw up the regulations for the future colony. Nor was either James or Salisbury likely to come to their help. Even the man of transcendent genius who was ready to give his advice upon the subject failed to grasp the real bearings of the case. Bacon had long cast his eyes with sorrow and impatience upon the distracted condition of Ireland. The work of reducing it to civilisation was more likely to enlist his sympathies than even the Union with Scotland or the abolition of feudal tenures in England. Above all things he hated anarchy, and the proposed enterprise was welcome to him as the heaviest blow which had yet been dealt to the chronic anarchy of Ireland. By the side of such a work as this, he himself has told us, he looked upon the Virginian colony as upon the romantic achievements of Amadis de Gaul when compared with the deeds related in Cæsar's Commentaries.

A few days after the first report of the Commissioners was ready, Bacon drew up,¹ on the subject which had been occupying his mind, a short treatise, which he presented to the King as a New Year's gift.² As is the case with everything else which proceeded from his pen, the few pages of which it consisted teem with lessons of practical wisdom. On every point upon which he touched he had something to say which deserved the attention even of those who were immediately familiar with the country of which

Bacon's
views on the
state of Ire-
land.

His treatise
on the plan-
tation of
Ulster.

¹ *Letters and Life*, iv. 116.

² Bacon to the King (*ibid.* iv. 114)

he was writing. But that which, at this distance of time, strikes the reader far more than the insight into the facts of the case which he displayed, is the complete absence of the slightest allusion to the feelings and wishes of the native population, or to the not improbable consequences of the dislike with which they would be certain to regard the intruders. Where a modern writer would see a wild independence which, if once it were trained to obedience, would form the surest foundation for liberty, Bacon saw nothing more than the anarchy which actually prevailed; and with his exaggerated faith in the power of government to educe order out of confusion by regulative measures, he left James and his advisers without a word of warning.

If it was unfortunate that Bacon should have failed to point out the way to better things, it was no less unfortunate that

Chichester, who alone had the wisdom to recommend the adoption of a juster system, should have been Chichester's views on the question. influenced merely by motives of practical expediency.

It was not to the future embarrassments of his successors that he was looking when he drew up his scheme: it was only the present difficulty of removing the septs which had deterred him from adopting the view which had found favour in London.¹ But he took care to remind the Commissioners that the Irish were certain to put forward claims which were disregarded in the new scheme, and he informed them that he had himself ordered the publication in Tyrone of the King's intention to settle all the principal men in competent freeholds if they could give assurance of their loyalty.²

According to the scheme of the Commissioners, the portions

¹ "Now you must note that many of the natives in each county do claim freehold in the lands they possess, and albeit their demands are not justifiable by law, yet is it hard and almost impossible to displant them; wherefore I wish that a consideration may be had of the best and chief of them, albeit they were all in Tyrone's last rebellion, and have now hearts and minds alike." - Chichester's instructions, Oct. 14, 1608, *Irish Cal.*

97.

² Chichester to the Privy Council, March 10, 1609, *ibid.* iii. 292.

into which the escheated lands were to be divided were to be of three different sizes—of one thousand, fifteen hundred, and two thousand acres respectively.¹ Each proprietor was to build on his estate either a castle or a walled enclosure, with or without a stone house, according to the amount of land he held. The English and Scottish undertakers, to whom the greater part of the land was assigned, were to be prohibited from alienating their lots to Irishmen, or from permitting any native to hold land under them. On the land assigned to the officers, a certain number of Irish were permitted to remain, but for the most part they were to be banished either to the portions assigned to the land-owners of their own race, or to desolate regions in other parts of Ireland.

Cavan.
Publication
of the Com-
missioners'
scheme.

It had been originally intended that the colonists should present themselves in Ireland at Midsummer 1609, but it was found necessary to defer the commencement of the undertaking till the following year.² Some of the provisions of the scheme had been found to be distasteful to those who were likely to give in their names, and it was proposed to alter the arrangements in these respects. Time

The coloni-
sation
deferred.

¹ The following is the proposed division according to the second report of the Commission. The calculation is given in acres :—

	English and Scotch	Servitors	Irish
Tyrone . .	45,000 . .	14,000 . .	10,000
Coleraine . .	15,000 . .	1,500 . .	6,500
Donegal . .	47,000 . .	10,000 . .	18,500
Fermanagh . .	— . .	4,500 . .	8,500
Cavan . .	8,000 . .	8,000 . .	16,500
Armagh . .	35,000 . .	7,500 . .	10,000
	<u>150,000</u>	<u>45,500</u>	<u>70,000</u>

According to the Muster Roll presented by Mr. Gilbert (*A Contemporary History of Affairs in Ireland*, i. 332), these six counties when settled produced from amongst the colonists, a muster of 7,336 armed men, which in a settled county would imply a population of about 29,000. As, however, there would be few aged persons amongst them, it would hardly be safe to reckon more than 20,000.

² Reasons proving that the deferring of the Plantation is most convenient. May, *Irish Cal.* iii. 326.

survey of the lands. down as survey.¹

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During the ensui over the results of his up for the in

^{1610.} again urged
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colonists, he was still a as much fairness as was been assigned to them, sible might be left for c unhappily, had lost all s preceding summer they h to serve in the Swedisi turbulent persons in the difficult to induce to se But in expressing a wish be 'vented out of the la which was not likely to

proceeded to the north. He first went into Cavan, where he found that the Irish had procured the services of a lawyer from the Pale to urge their claims. This man argued that, in reality, the land was the property of the native holders, and asked to have the benefit of the proclamation which Chichester had published soon after his accession to office, in which a declaration had been made that the lands and goods of all loyal subjects would be taken under His Majesty's protection. Davies met him with the ready answer, that the Irish holdings gave no ownership which the law could recognise. To this was added the extraordinary argument, that they could not possibly be considered as having any hereditary title; in the first place, because 'they never esteemed lawful matrimony to the end they might have lawful heirs:' and, in the second place, because 'they never built any houses, nor planted any orchards or gardens, nor took any care of their posterities—both which they would have done if they had had estates descendible to their lawful heirs.' As a natural consequence, they had no lands to which the proclamation could apply.¹ Davies does not inform us what effect this miserable reasoning had upon the Irish; but there can be little doubt that the presence of the Lord Deputy and his troops was far more effectual than the logic of the Attorney-General.

In Fermanagh and Donegal there was little remonstrance, but in the other three counties the Deputy found it by no means easy to effect his purpose. There is something very touching in the tone of the letter in which he gave an account to Salisbury of his difficulties. He writes as a man who sees that his wisest schemes have been ruined by the folly of others, but who is at the same time prepared to do his duty unflinchingly, and to make the most of that which others had done their best to mar. Two years before² he had thought of little more than of the difficulties of overcoming resistance if he were compelled to deal harshly with the natives. He had now learned to sympathise with them. The Irish, he writes,

¹ Davies to Salisbury, Sept. 24, *Irish Cal.* iii. 874, and printed in Sir J. Davies's *Tracts*.

² P. 436.

fancy that the blunder
ill feeling towards him

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Discontent Chichester
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1 'The natives of these
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their former landlords, but
nor can they be admitted
have both studied and labour
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unto them; but now I am divided
quantities assigned unto them
in which the Commissioners
or meant not well unto me; I
of a whole county which pay
little more than half a barony
out of ill-meaning. If I speak
to your Lordship to whom I

During the course of the next year some progress was made in the colonisation of the country. Of the undertakers some indeed never came near the lands which had been allotted to them, but there were others who entered heartily upon the enterprise. When in the summer months Lord Carew, the former President of Munster,¹ came over to report on the condition of the country, he found the busy sound of the forge and the mill in many a spot where such sounds were heard for the first time. Schools and churches were springing up. The City of London had taken in hand the settlement of Derry, which was now to be rebuilt under the name of Londonderry, and to give its name to the county in which it stood, and which had hitherto been known as the county of Coleraine. To all appearance the change was for the better; but the disease was too deeply rooted to be removed by such signs of outward prosperity. For the present, indeed, all was quiet. Feeling that resistance was hopeless, those among the Irish to whom lands had been assigned had removed sullenly to their scanty possessions.² But the mass of the inhabitants remained in their own homes. They made themselves too useful to be removed, and by permission or by connivance the arrangement for the separation of the two races was broken through. They remained to feel that they were in bondage to an alien race. They knew that they were despised as barbarians by men who had robbed them of their lands. There was not an Irishman who plied his daily task for his English or Scottish employer who did not cherish in his heart the belief that he and his were the true lords of the soil, and who did not look forward with hope to the day when the great O'Neill should return from his wanderings, and should give back the land to those to whom it of right belonged.

¹ Report, Jan. 29, *Lambeth MSS.* 630, fol. 42.

² Chichester to Salisbury, Dec. 12, 1610, *Irish Cal.* iii. 928.

END OF THE FIRST VOLUME.

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